
Greeter: Tom Imdieke

**

TIGARD CITY COUNCIL
MEETING

MAY 10, 2005 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
MAY 10, 2005

6:30 PM

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss employment of public officers, employees and agents under ORS 192.660(2)(a). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- **STUDY SESSION**
 - > DISCUSS A RESOLUTION TO SUPPORT AND ACTIVELY PURSUE REGION-WIDE COLLABORATIVE EFFORTS TO IMPROVE THE REGIONAL LAND USE PLANNING SYSTEM, INCLUDING THE TRANSITION OF URBAN USES AND SERVICES IN UNINCORPORATED AREAS, INCLUDING ANNEXATION BEFORE DEVELOPMENT (See Agenda Item 10)
 - > DISCUSS ISSUES - GREENBURG ROAD PROJECT

7:30 PM

1. **BUSINESS MEETING**
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. **PROCLAMATIONS**

Proclaim May 15-21, 2005 as Emergency Medical Services Week

 - Mayor Dirksen
3. **CITIZEN COMMUNICATION (Two Minutes or Less, Please)**
 - Tigard High School Student Envoy Nikki Pham
 - Tigard Area Chamber of Commerce Representative Dan Murphy
 - Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 4.1 Approve Council Minutes for March 22, 2005
 - 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - 4.3 Adopt a Resolution Identifying the Preliminary Urban Renewal Plan Public Outreach Program – Resolution No. 05 - _____
 - 4.4 Adopt a Resolution to Establish the Selection Process for the City Center Advisory Commission - Resolution No. 05 - _____
 - 4.5 Adopt a Resolution to Appoint Michael Kringlen to the Building Appeals Board – Resolution No. 05 - _____
 - 4.6 Adopt a Resolution to Appoint Jason Snider to the Budget Committee to Complete the Term Vacated by Irene Moszer – Resolution No. 05- _____
 - 4.7 Adopt a Resolution Approving a Cooperative Improvement Agreement between the Oregon Department of Transportation and the City of Tigard for Improvements to SW 72nd Avenue - Resolution No. 05 - _____
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
5. FORMAL GRADUATION OF TIGARD'S COMMUNITY EMERGENCY RESPONSE TEAM (CERT)
 - a. Staff Report: Public Works Staff
 - b. Council Discussion
6. UPDATE ON YOUTH ADVISORY COUNCIL AND TIGARD TURNS THE TIDE (YOUTH FORUM)
 - a. Staff Report: Administration Staff
 - b. Council Discussion

7. POLICE ACTIVITY LEAGUE PRESENTATION ON DRUG RESISTANCE
 - a. Staff Report: Administration Staff
 - b. Council Discussion
8. MEETING WITH OREGON DEPARTMENT OF TRANSPORTATION REGION I MANAGER, MATTHEW GARRETT
 - a. Staff Report: Engineering Staff
 - b. Council Discussion
9. PUBLIC HEARING - CONSIDER A RESOLUTION REACTIVATING THE CITY CENTER DEVELOPMENT AGENCY, AN URBAN RENEWAL AGENCY
 - a. Staff Report: Community Development Staff
 - b. Public Comment
 - c. Council Discussion
 - d. Council Consideration: Resolution No. 05 - _____
10. CONSIDER A RESOLUTION TO SUPPORT AND ACTIVELY PURSUE REGION-WIDE COLLABORATIVE EFFORTS TO IMPROVE THE REGIONAL LAND USE PLANNING SYSTEM, INCLUDING THE TRANSITION OF URBAN USES AND SERVICES IN UNINCORPORATED AREAS, INCLUDING ANNEXATION BEFORE DEVELOPMENT
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 05 - _____
11. PUBLIC HEARING – CONSIDER A RESOLUTION APPROVING THE ISSUANCE OF TAX-EXEMPT VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2005A (GEORGE FOX UNIVERSITY PROJECT), BY YAMHILL COUNTY, OREGON FOR AND ON BEHALF OF GEORGE FOX UNIVERSITY IN AN AMOUNT NOT EXCEEDING \$28,400,000
 - a. Open Public Hearing
 - b. Summation by Finance Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 05 - _____

12. REPORT ON THE STREET MAINTENANCE FEE AS REQUIRED BY THE TIGARD MUNICIPAL CODE, CHAPTER 15.20
 - a. Staff Report: Finance Staff
 - b. Council Discussion
13. COUNCIL LIAISON REPORTS
14. NON AGENDA ITEMS
15. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
16. STUDY SESSION (CONTINUED)
 - > REVIEW OF GRAPHIC IDENTITY PROPOSALS
17. ADJOURNMENT

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CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Greenburg Road Improvement Project Issues

PREPARED BY: A.P. Duenas DEPT HEAD OK: A.P. Duenas CITY MGR OK: cl

ISSUE BEFORE THE COUNCIL

Briefing to Council on the issues regarding the Greenburg Road Improvement Project and request for direction on how to best resolve those issues.

STAFF RECOMMENDATION

That Council direct staff to proceed with the project by contracting with David Evans & Associates for the preliminary engineering and right-of-way acquisition work. That Council discuss potential alternatives to the ODOT (Oregon Department of Transportation) funding deposit requirement with the Region 1 Manager at the May 10, 2005 meeting.

INFORMATION SUMMARY

Greenburg Road between Shady Lane and Tiedeman Avenue is heavily congested and is in need of widening to meet current and future traffic demands. The Greenburg Road Improvement Project will widen the existing 3-lane roadway to a full 5-lane facility with sidewalks and bike lanes on both sides of the street. Federal funding has been received for preliminary engineering and right-of-way acquisition (\$660,000). An additional amount of \$1,000,000 in construction funding has been approved and is expected to be made available in late 2007 at the earliest. However, there are issues with this project that will adversely affect the City's ability to fund other priority projects during the next five years. Attached is a memorandum that provides the background of the project, explains the issues that have arisen regarding project implementation, provides alternatives for Council consideration, and requests Council direction on how to best proceed with the project.

The issues are briefly summarized as follows:

- Cost estimates prepared for the project in the year 2000 are no longer valid. Costs have increased substantially since then.
- The design scope has changed with the introduction of a bridge to replace the existing box culvert crossing Ash Creek.
- The preliminary engineering fee proposal from David Evans & Associates, the consultant selected for the project, is more than double the original estimate. Based on Washington County's experience with fee proposals, the consultant's proposal appears reasonable for the project scope of work.
- The total project cost has doubled (\$2.5 million to \$5.0 million) since the original estimates were prepared. Any amount over the \$1,660,000 in federal funds must be provided by the City as local match.

- ODOT requires deposit of 110% of the construction estimate at the time of bid advertisement. This is expected to be a huge sum that must be made available in March 2008 and would seriously hamper the City's ability to perform other priority projects in the City.

The issue regarding ODOT's deposit requirement should be discussed with Matt Garrett, Region 1 Manager, at the meeting on May 10, 2005. Relief from that requirement is essential for the City to consider moving ahead with the project.

As stated earlier, the fee proposal from David Evans & Associates appears reasonable and a contract should be awarded to the firm so the work can begin. However, beginning the preliminary engineering work commits the City to the project and starts the process for design, right-of-way acquisition, and construction. The City must be able to provide the funding needed at the beginning of each phase of the work so that the project proceeds without a significant break between phases.

The alternatives presented for Council consideration are as follows:

- Proceed with the project
 - Contract with David Evans & Associates for the preliminary engineering and land acquisition work.
 - Work with ODOT to allow for an exception to the deposit requirement so that the City can spread out the funding requirement over two fiscal years.
 - Work with the Transportation Funding Strategies Task Force to develop a funding plan (potentially a local gas tax) to provide funding committed to this project. This project could be part of a project package that implements recommendations from the alternatives analysis to be performed for the Greenburg Road/Highway 99W intersection.
- Select another consultant with the intention of reducing the preliminary engineering costs
 - Reject the David Evans & Associates proposal
 - Request a fee proposal from the next consultant on the list
 - Work with ODOT to allow for an exception to the deposit requirement so that the City can spread out the funding requirement over a two fiscal year period.
 - Work with the Transportation Funding Strategies Task Force to develop a funding plan (potentially a local gas tax) to provide funding committed to this project.
- Cancel the project
 - Inform ODOT that the City does not wish to proceed with the project
 - Federal funding will be de-obligated and made available to other jurisdictions
 - Project would have to be designed and constructed through some other funding mechanism at later time and at the City's discretion.

Council direction is requested on how to best proceed with the project. Moving ahead with it requires funding commitments that the City cannot meet in a timely manner with existing funding sources. If identification and development of additional funding sources is not likely during the next two years, it most likely would be in the City's best interest to cancel the project and relinquish the federal funding that has been approved to date.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The widening of Greenburg Road between Shady Lane and Tiedeman Avenue meets the Tigard Beyond Tomorrow goals of *Improve Traffic Flow* and *Improve Traffic Safety*.

ATTACHMENT LIST

Memorandum to City Council dated May 3, 2005 regarding the Greenburg Road Improvement Project Issues (with attachments).

FISCAL NOTES

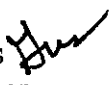
The City can provide the funding for the preliminary engineering and land acquisition. The immediate need is to increase the budget for the project in FY 2005-06 from \$660,000 to \$850,000. However, the funding requirement for construction of the project is the major issue that must be resolved for this project to begin the process leading to construction. Additional funding sources need to be developed during the next two years so that the City can provide the construction funding in a timely manner.



MEMORANDUM CITY OF TIGARD

13125 SW Hall Blvd.
Tigard, OR 97223
Phone 503-639-4171
Fax: 503-624-0752

TO: Mayor and City Councilors
Craig Prosser, Interim City Manager

FROM: Gus Duenas 
City Engineer

DATE: May 3, 2005

SUBJECT: Greenburg Road Improvement Project Issues

There are issues regarding the Greenburg Road Improvement Project that will have significant ramifications on the projects that can be implemented during the next five years. This memorandum is to inform Council of those issues and to request direction on how to best proceed with the project.

Background

Greenburg Road between Shady Lane and Tiedeman Avenue carried approximately 18,000 vehicles per day in 1996 and is projected to accommodate 31,000 vehicles per day in the year 2020. The Greenburg Road Improvement Project (Shady Lane to Tiedeman Avenue) will widen Greenburg Road from a 3-lane to a 5-lane facility with bike lanes and sidewalks on both sides of the street. The existing street crosses Ash Creek with a box culvert.

The original scope of work included extension of the box culvert to accommodate the widening of the street. The total project estimate in the year 2000 when the project estimates were developed anticipated a total project cost of \$2,500,000.

Through the MTIP (Metropolitan Transportation Improvement Program) process, federal funding from the Federal Highway Administration (provided through TEA-21 legislation) is channeled through Metro for allocation to projects, and then is administered by ODOT from the planning stages through design, ROW acquisition and construction.

Preliminary Engineering

The City applied for federal funding through the MTIP process. The project was funded for preliminary engineering through Metro's Priorities 2000, then for rights-of-way acquisition through the Priorities 2002 process. The project estimates developed about five years ago for this project were as follows:

Preliminary Engineering: \$310,000 (\$270,000 in federal MTIP funding)
Rights-of Way Acquisition: \$435,000 (\$390,000 in federal MTIP funding)

Because the project improves an arterial within the Washington Square Regional Center, and is expected to reduce traffic congestion, improve traffic circulation, and provide amenities for pedestrians and bicyclists, the project rates highly with Metro and was selected for funding in those two project solicitation processes. The total federal participation in the project from the two Metro solicitations is \$660,000. In addition, the project was submitted for consideration in the Priorities 2007-09 solicitation and has been approved for \$1,000,000 in federal funding for project construction.

ODOT authorized the use of federal funding (\$270,000) for the preliminary engineering in early 2003. Washington County agreed to design the project and acquire the rights-of-way necessary for the construction. An IGA (Intergovernmental Agreement) with the County was approved by City Council on June 24, 2003 and by the County Commissioners on July 8, 2003. The County agreed to do the work within the budget established for the project. In mid-February 2004, the County informed the City that their design staff was fully engaged in the bridge replacement projects funded through OTIA (Oregon Transportation Investment Act) and could not perform the work.

As a result of the discussion with Washington County staff, the City explored the possibility of having the project designed by a consultant. ODOT has a list of consultants ranked for projects in Region 1. David Evans & Associates was ranked number one on that list. If the City opted for the top-ranked consultant, no other selection procedures would be required. Picking another firm from the list would require the City to develop a set of specific criteria and select a firm based on that criteria. David Evans & Associates has established a reputation for quality work, so there was no reason to select someone else. Because federal funds are involved, all consultant selections must be qualification-based. Price is not a determining factor, unless the City and the consultant firm could not come to an agreement on the fee.

We therefore selected consultant David Evans & Associates to perform the preliminary engineering and land acquisition work. The firm submitted a proposal that was more than double the budget for the preliminary engineering. The increase in the preliminary engineering cost was partially because of the following:

- The estimate for design was prepared in the year 2000. Costs have increased substantially since then.
- The project review by David Evans & Associates with concurrence from ODOT is that, because of fish passage laws now in effect, the box culvert would have to be replaced by a bridge designed for fish passage. Extension of the existing culvert is not an option.

- The public involvement process, the permit process for bridge construction approval, and the environmental issues that can be expected in the Ash Creek area are all anticipated by the consultant to be lengthy and complicated. The fee proposal reflects that.
- The feedback from Washington County's Capital Project Management staff is that David Evans & Associates fees are usually on the high side. However, their experience with the firm indicates that the higher prices have typically produced well-designed projects with fewer problems during the construction phase.

The project estimates were updated to reflect the changes in scope and to incorporate updated construction costs. Attached is a cost comparison that shows the estimated project costs in the year 2000 and the costs as estimated in early 2005.

Washington County's preliminary engineering costs as a percentage of total project cost (on projects contracted to consultants) is typically at 23%. Their rights-of-way acquisition costs (not including the cost of property) runs about 15% of total project costs while construction engineering is at 17%. Dan Brown, Washington County's Capital Projects Manager, estimates that the engineering, rights-of-way, construction management, and other administrative costs are typically half or more of the total project cost by the time the project is completed.

The original fee proposal by David Evans & Associates and the final negotiated fee amount are shown below:

Fee Proposal	Preliminary Engineering	ROW Acquisition Management	Total Fee
Original fee proposal	\$754,385.86	\$45,042.00	\$799,427.86
Negotiated fee proposal	\$726,093.82	\$45,042.00	\$771,135.82

Based on the detailed scope of work and the level of effort by the consultant, as provided in their detailed fee proposal, the fee for the preliminary engineering and rights-of-way acquisition appears reasonable. The procedures that must be followed whenever federal funds are provided are extensive. David Evans & Associates is familiar with the federal requirements and can be relied upon to meet those requirements as the project proceeds through the design and land acquisition phases. Based on a total project cost of \$5,000,000, using Washington County's 23% for preliminary engineering results in a fee of \$1,150,000. This is substantially more than the negotiated amount of \$726,093.82. The rights-of-way acquisition portion of the fee remains at \$45,042.00 for a total fee amount of \$771,135.82.

Budget Amount for the Project in the FY 2005-06 CIP

The Greenburg Road Improvement Project, as shown in the Capital Improvement Program project list submitted to the Budget Committee, takes into account the fee proposal by David Evans & Associates and provides an amount of \$660,000 for FY 2005-06. This amount is based on the assumption that the project design would begin in FY 2004-05 and that \$200,000 would

be expended this fiscal year. There is currently \$660,000 in federal funding authorized through the MTIP for design and ROW (right-of-way) acquisition on that project.

The City has asked ODOT (Oregon Department of Transportation) for approval to use the amount allocated for ROW in the design contract. Although the approval to transfer the funds into the design category is likely to be approved, the process for approval has delayed commencement of the project. Because the preliminary engineering did not begin in FY 2004-05, there is a need to increase the budget in FY 2005-06 to \$850,000. This amount would be sufficient to award the contract to David Evans & Associates, provide for ROW appraisals, and include a contingency amount should the project scope need to increase as the project design progresses. The City's Budget Committee will be requested to increase the amount currently in the FY 2005-06 CIP from \$660,000 to \$850,000.

Additional MTIP Funding

As mentioned earlier, an additional amount of \$1,000,000 has been approved (through the 2007-09 MTIP process) for the construction phase of the project increasing the federal participation to a total amount of \$1,660,000. The current estimate for right-of-way purchase is \$450,000 while the construction estimate is \$3,700,000. Any amount over the \$1,660,000 must be made up in local funds. The current estimate for the entire project is \$5,000,000, which means \$3,340,000 needs to be made available in local funding to see the project through to completion. Attached is a project cost summary that provides an estimated amount for each phase of the project.

Project Commitment Required

Once a design project begins, the jurisdiction receiving the funding needs to continue the process through the design, ROW acquisition, and construction phases without a significant break separating the phases. Furthermore, the federal funds are made available through a reimbursement process, which requires the local jurisdiction to provide the interim financing that would be reimbursed as the progress payments are made through the construction period.

ODOT procedures currently require that 110% of the entire funding required for construction be deposited with ODOT at the time the project is ready to be advertised for bids. Attached is a summary of the estimated project costs and funding sources for each phase of the project. This summary shows the local funding required for this project after FY 2006-07. The construction documents are expected to be advertised for bids around March 2008, assuming the project design begins this summer. This deposit requirement by ODOT has huge ramifications for the CIP in subsequent fiscal years following FY 2005-06. Unless ODOT can be convinced otherwise, the amount estimated for deposit in early 2008 is \$4,070,000 (110% of the \$3,700,000 construction estimate). The MTIP amount of \$1,000,000 will be reimbursed to the City as the project progresses. The existing funding sources that can be tapped for the Greenburg Road project are the TIF Fund and the Gas Tax Fund. Without a new funding source to supplement the existing funds, the funding needed for construction most likely cannot be provided in a timely manner.

The City will be working the issues with ODOT to determine if some exceptions can be granted to the deposit requirements. In addition, other funding sources may become available over the

next two years that are not currently in place. Furthermore, the other CIP projects for the Tigard Downtown Improvement will be identified early in FY 2005-06 and strategies for funding those projects would be developed. The change in the project amount for FY 2005-06 is the immediate need, but the funding commitment in the subsequent fiscal years is huge.

Alternatives for Council Consideration

- Proceed with the project
 - Contract with David Evans & Associates for the preliminary engineering and land acquisition work.
 - Work with ODOT to allow for an exception to the deposit requirement so that the City can spread out the funding requirement over two fiscal years.
 - Work with the Transportation Funding Strategies Task Force to develop a funding plan (potentially a local gas tax) to provide funding committed to this project. This project could be part of a project package that implements recommendations from the alternatives analysis to be performed for the Greenburg Road/Highway 99W intersection.
- Select another consultant with the intention of reducing the preliminary engineering costs
 - Reject the David Evans & Associates proposal
 - Request a fee proposal from the next consultant on the list
 - Work with ODOT to allow for an exception to the deposit requirement so that the City can spread out the funding requirement over a two fiscal year period.
 - Work with the Transportation Funding Strategies Task Force to develop a funding plan (potentially a local gas tax) to provide funding committed to this project.
- Cancel the project
 - Inform ODOT that the City does not wish to proceed with the project
 - Federal funding will be de-obligated and made available to other jurisdictions
 - Project would have to be designed and constructed through some other funding mechanism at later time and at the City's discretion.

Recommendations

The City has invested several years in seeking and obtaining MTIP funding for this project. This segment of Greenburg Road is heavily congested and in need of widening to accommodate current and future traffic. Because it improves traffic circulation into and out of the Washington Square Regional Center and accommodates pedestrians and bicyclists, it rates highly with Metro and has been selected for funding because of its importance. Funding approval has been obtained despite strong competition from other high priority projects in the region. However, providing the local funding needed to match the federal funds will be a major challenge in FY 2007-08. The existing revenue sources cannot provide the local funding needed in a timely manner and still be able to address the priorities with the Tigard Downtown and Highway 99W. The City needs to seriously look at new funding sources to provide the necessary funds to move this project into the construction phase.

Council direction is requested on the next step to take regarding this project. The staff recommendation is that the City enter into a contract with David Evans & Associates to begin the preliminary engineering work in early FY 2005-06. This recommendation is contingent upon a new funding source being developed in the next year or so to provide the local funds needed, and that the City can arrange an alternative method to the current deposit requirement by ODOT. The meeting with the ODOT Region 1 Manager, Matt Garrett, scheduled for May 10, 2005 provides an opportunity to begin that discussion. If a new funding source is not feasible and cannot be developed in the next two years, it would probably be in the best interest of the City to withdraw the project from funding consideration, de-obligate the funds already authorized, and decline the amount provided for construction.

Attachments

c: Tom Imdieke, Interim Finance Director
Vannie T. Nguyen, CIP Division Manager
Michelle Wareing, Finance Department

Greenburg Road Improvement Project (Shady Lane to Tiedeman Avenue)

Comparison of Estimated Costs 2000 vs 2005 Costs

Project Component	2000 Cost Estimate	2005 Cost Estimate
Preliminary Engineering	\$310,000	\$850,000
Right-of-Way	\$435,000	\$450,000
Construction Cost (Includes Construction Engineering and Contingencies)	\$1,765,000	\$3,700,000
Total Cost	\$2,510,000	\$5,000,000

Greenburg Road Improvement Project (Shady Lane to Tiedeman Avenue)

Project Description and Cost Summary

Project Description:

The project scope is to improve Greenburg Road from Washington Square Drive to Tiedeman Avenue. However, the bulk of the work will be to widen Greenburg Road between the Highway 217 overcrossing and Tiedeman Avenue to a 5-lane facility. The completed improvements would enhance movement into and out of the Washington Square Regional Center. The project was funded in FY 2004-05 through Priorities 2000 & 2002 MTIP funds in the amount of \$660,000 with Tigard providing \$85,000 in matching funds. An engineering consultant has been selected to perform the engineering design and right-of-way acquisition for the project. This project has been submitted and approved for construction funding of \$1,000,000 under the MTIP Priorities 2007-09 project selection process. It also has been submitted for funding in the amount of \$2,100,000 under the County's MSTIP 2007-12 Transportation Capital Program. However, the funding of this project under the MSTIP program is highly unlikely. The County's current program (now called MSTIP 3c) focuses on projects of Countywide significance. The current list does not include any projects in the Tigard area.

Estimated Project Costs By Phases:

Design	\$ 850,000 ¹
ROW Acquisition	\$ 450,000
Construction	\$3,700,000 ²
Total Project Cost:	\$5,000,000

¹\$660,000 in MTIP Funds provided

²\$1,000,000 in MTIP funds provided – Available in Federal Fiscal Year 2008, which begins October 1, 2007

**Greenburg Road
Total Revised Project Summary**

\$5,000,000	
\$850,000	Preliminary Engineering
\$450,000	ROW
\$3,700,000	Construction
\$370,000	10% for ODOT
<u>\$5,370,000</u>	Total Potential Need
<u>(\$660,000)</u>	MTIP FY 2005-06
<u>(\$190,000)</u>	TIF Funds in 2005-06
\$4,520,000	Amount of Future Funding Needed
<u>(\$450,000)</u>	Unknown Funding Source in 2006-07 (ROW)
<u>\$4,070,000</u>	Amount to be Funded after 2006-07
<u>(\$1,000,000)</u>	MTIP
<u><u>\$3,070,000</u></u>	Total Local Funding After FY 2006-07

PROCLAMATION

Emergency Medical Services Week

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recover rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and appropriate use of the EMS system will help reduce national health care costs.

NOW THEREFORE BE IT RESOLVED THAT I, Craig Dirksen, Mayor of the City of Tigard, Oregon, do hereby proclaim the

Week of May 15 – 21, 2005

Emergency Medical Services Week

in Tigard, Oregon and encourage our citizens, businesses and organizations to observe this week with appropriate programs, ceremonies and activities.

Dated this _____ day of _____, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig Dirksen, Mayor
City of Tigard

Attest:

City Recorder

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
MARCH 22, 2005

Council Present: Mayor Dirksen; Councilors Harding and Sherwood and Woodruff
(arrived at 6:38 p.m.)

Mayor Dirksen called the meeting to order at 6:30 p.m.

- STUDY SESSION

- > Review of FY 2005-06 Community Event Funding Requests

Interim Finance Director Imdieke presented this agenda item for discussion.

The Community Event Funding Requests were presented to the City Council for initial feedback. These requests will also be in the proposed budget for final review by the Budget Committee in May.

The application Atfalati Recreation District for the Cook Park Concession Stand was distributed to the City Council.

A revised spreadsheet showing the total requests was distributed to Council. This revised spreadsheet showed a request from the Tualatin Riverkeepers for an education program. The Riverkeepers' request was initially submitted to the Social Services Subcommittee; however, the Subcommittee recommended that this would be more appropriately classified as a community event.

Total requests for community event funding equaled \$48,175 with \$45,300 available. However, dollars would be available from the social services (relating to the transference of the Tualatin Riverkeepers from social services to community events).

Interim Finance Director Imdieke noted that base funding is set aside for three events (by City Council resolution): Tigard Balloon Festival, Broadway Rose Theatre, and the Tigard 4th of July Celebration. In addition, the request from the Atfalati Recreation District has been established by an agreement between Atfalati and the City of Tigard. The \$5000 contribution from the City to Atfalati would be an accounting transaction to subsidized accrued interest on improvements at Cook Park.

Interim Finance Director Imdieke reviewed the funding requests individually.

- Atfalati - \$5000 (see notes above).
- Broadway Rose - \$10,000 as established by resolution. In-kind includes some assistance from the Public Works Department. Councilor Harding also noted the significant amount of Cityscape space allotted to this group. In response to a question from Councilor Harding, Interim Finance Director Imdieke said he would find out whether the City of Tualatin contributes to Broadway Rose.
- Dog Park - \$400 for the overall program. It was noted that the Times gives this group good newspaper coverage.

Councilor Woodruff arrived at 6:38 p.m.

- Tigard Festival of Balloons -- \$10,000 (by resolution) plus in kind-support from the Public Works and Police Departments.
- Tigard Blast -- \$5000 -- Councilor Harding advised she would like to have more information about how this event benefits the community as it appears to be focused as a promotion for the downtown businesses. There was discussion about how Tualatin Hills Fire and Rescue, the Tigard Police Department, and the Tigard Skate Park participates in the event. Councilor Harding reported that she was told she could not distribute her campaign information at the event. Councilor Woodruff and Mayor Dirksen indicated that they had distributed their campaign literature last year. It was noted that this is a family-oriented event and there have been four successful events. Mayor Dirksen acknowledged that the Blast supports the downtown business owners and he pointed out the long-standing goal of the City Council to support the downtown. Councilor Sherwood commented that the event also allows the City departments an opportunity to connect to the community.
- Tigard 4th of July -- \$7,500 -- this event is promoted as family event and has been offered to the community for 18 years (started in 1987). The Police and Public Works Departments give in-kind support to this event.
- Tigard High graduation -- \$2,000 -- Interim Finance Director Imdieke said the purpose of this event is for a safe and sober high school graduation. Mayor Dirksen noted the allocation to this event was increased last year. At some point in time, the City might want to reconsider how much involvement it has for this item.
- Tualatin Riverkeepers -- \$3000 -- It was noted that this group would like to put on a paddle tour during the Tigard Balloon Festival. Councilor Harding noted this group sponsored a tree planting event earlier this year.

- Tualatin Riverkeepers – \$3,275 – This amount represents the amount proposed in the social services grant application (see above notes). This amount would be used for education activities for children. An in-kind contribution was also requested for some City staff support.
- Tualatin Valley Community Band – \$2000 – This band offers two free community concerts a year. There was discussion about support this group receives from other donors.

Interim City Manager Prosser and Interim Finance Director Imdieke summarized that funds would be available for the groups that have applied for funding. After brief discussion, consensus of the City Council was to send the proposals for community event funding forward to the Budget Committee for review.

> Update: Family Day

Assistant to the City Manager Newton presented this item to the City Council. A March 8, 2005, memorandum from Assistant to the City Manager Newton to the Mayor and Council highlights the background and the next steps if the City Council is interested in pursuing Family Day. Discussion followed with Council members offering suggestions for the date of this event including sometime around the City's "birthday," which is September 11. Councilor Woodruff noted that perhaps this could be coordinate with National Family Day, which is September 26. Another idea would be to incorporate this event with the Tigard Blast. Cultural diversity and tolerance was also suggested as part of this event's focus.

City Council consensus was to support further staff development of a possible Family Day with assistance from the Tigard Turns the Tide, the Vision Task Force and other groups.

> Update: Citizen Leadership Series

Assistant to the City Manager Newton presented this item to the City Council. A March 9, 2005, memorandum from Assistant to the City Manager Newton to the Mayor and Council highlights the background and the Council direction that was requested by staff. The purpose of a citizen leadership series would be to provide information on local issues and to develop leadership skills. An outline of the program was reviewed, which stated the Mission, Purpose and Topics for the Series. This outline is on file in the City Recorder's office.

Councilor Sherwood recalled the leadership series sponsored by the

Chamber of Commerce in the 1980's. Sessions included information on local government, the school system, area history, a bus tour, and a visit to the State Capitol when the Legislature was in session. The series was discontinued because people were not signing up.

Assistant to the City Manager Newton reviewed the outline of a seven-week program. She reported that she will finalize the program and anticipates a fall start-up. City Council will have an opportunity to review this again.

> Discuss Structure, Adoption Process, Governance Issues – Urban Renewal

Community Development Director Hendryx reviewed information from a March 11, 2005, memorandum from the City Attorney's office regarding urban renewal. A copy of this memorandum is on file in the City Recorder's office.

Highlights of the review and discussion are listed below (see the March 11, 2005, memo also for more information and detail):

- Urban renewal district – how it could be structured, including Tigard only or in conjunction with a County plan.
- Urban renewal adoption process: activate the urban renewal agency; appoint a City Center Development Agency; establish a City Center Advisory Commission; and develop an urban renewal plan and report. Voters must approve urban renewal in Tigard (Tigard Charter, Section 47). The vote would be to approve tax increment financing and the urban renewal plan.
- Urban renewal plan for Tigard to be incorporated with the County's project – how this would work. It was noted that the City of Tigard voters must approve the County plan if the County plan includes area within Tigard.
- Governance – authority of an urban renewal agency whether it be by the City or County. A County entity would consist of joint membership with board members from participating jurisdictions. It was noted there are many options for establishing governance.

Community Development Director Hendryx said the City Council would need to adopt an urban renewal agency ordinance. He briefly described financing, opportunity for public comment, and the consideration of the public comment.

Community Development Director Hendryx noted the importance of public outreach and said the City of Tigard would need to hire a consultant to prepare the urban renewal plan.

Community Development Director Hendryx reviewed the following proposed timeline:

- Mid-April: – Request for proposal out for consultant to prepare the Urban Renewal Plan
- Mid-June: Consultants hired
- End of June: Downtown Plan accepted
- End of June: Public outreach efforts are outlined
- End of June: Resolution initiating urban renewal plan preparation. (Plan would be prepared over the next few months)
- June: City Council activates CCDA and CCAC
- October/November: Plan is prepared for Council consideration
- End of February: Ballot title completed for the May 9, 2006 election

Council concurrence was for Community Development Director Hendryx to proceed with the request for proposals for a consultant to prepare the plan.

There was discussion with City Attorney Ramis on proceeding with a Tigard-only urban renewal plan, which could eventually link up with the County's plan.

Councilor Woodruff noted that the urban renewal process is convoluted and difficult to understand, especially with the possibility of the City and County merging together on a Plan. He noted the importance of explaining this to the voters in a simple, straightforward manner.

Community Development Director Hendryx said if the City Council wants to proceed with urban renewal as a tool for the downtown area (and to keep on the timeline for a May 9, 2006, vote), the City Council must move forward now and focus on the downtown. Later, the City Council can decide whether it wants to join the County's urban renewal effort for the Highway 217 Corridor. Discussion followed about the development of a City urban renewal plan and how it could be incorporated later with the County plan. City Attorney Ramis noted that should the County's plan move forward, the same information prepared for the Tigard-only district would be needed for the County district.

Community Development Director Hendryx advised he would be returning to the Council in April requesting approval to issue RFP's for a consultant.

Councilor Harding stated that the City Council should look at the whole picture with the Downtown Plan and the Comprehensive Plan Update. Discussion followed on timing for the Downtown Plan and integrating it with the Comprehensive Plan Update. Mayor Dirksen said he thought the City should move forward with the

Downtown Plan now. Councilor Sherwood and Councilor Woodruff concurred with Mayor Dirksen.

> Discuss Urban Services Agreement

Mayor Dirksen suggested this item be scheduled for discussion at a future meeting. Interim City Manager Prosser advised he would review the Council's tentative agendas and schedule the discussion.

> ADMINISTRATIVE ITEMS

- a. Council Groundrules (Resolution No. 04-83) provide that the groundrules are to be submitted to the Council either in the July or August Workshop meeting. The Groundrules can be reviewed and revised at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period. City Council members present indicated they had no issues with the current groundrules; a review will be scheduled in July or August.
- b. City Recorder Wheatley was excused from the April 12, 2005, Council meeting; Deputy City Recorder Gaston will serve as the clerk to the Council for that meeting.
- c. Calendar Review
 - March 29: 5th Tuesday Council Meeting – 7 p.m. – Water Auditorium
 - April 4: Special Meeting - Library Community Room
 - 6-7 – Goal update (staff)
 - 7-7:30 – Social ½ Hour: Councils/Board/Public
 - 7:30 – Joint Meeting with Tigard-Tualatin School Board and City of Tualatin City Council
 - April 12: Council Business Meeting – 6:30 p.m. – Town Hall
 - April 19: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - April 23 Downtown Task Force Open House – 9 a.m. – 12 p.m. – Library Community Room
 - April 25 Budget Committee Meeting – 6:30 p.m. – Library Community Room
 - April 26 Council Business Meeting – 6:30 p.m. – Town Hall

- > Councilor Harding requested that item 4.4, the Interim City Manager Contract be pulled from the Consent Agenda for separate discussion.

- EXECUTIVE SESSION: Not held

Meeting recessed at 7:20 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council and Local Contract Review Board meeting to order at 7:33 p.m.
- 1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, and Woodruff. Councilor Wilson was absent.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. ACKNOWLEDGE SUSAN KOEPPING FOR SERVICE TO THE CITY OF TIGARD

Assistant to the City Manager Newton presented the staff report for this agenda item. Before the City Council was a resolution thanking Susan Koepping for her outstanding service as Volunteer Coordinator. Ms. Newton reviewed the highlights of Ms. Koepping's accomplishments during her service to the City of Tigard, which began on April 15, 1998. Ms. Newton also read a message from former Councilor Brian Moore congratulating Ms. Koepping on her retirement and thanking her for the wonderful job she did for the City of Tigard.

Councilor Sherwood noted that Ms. Koepping was also successful in bringing in volunteers for other community organizations.

Interim City Manager Prosser noted that Ms. Koepping "made me a believer" in the value that volunteers bring. He said Ms. Koepping's friendly and positive attitude made Tigard a special place.

Mayor Dirksen added that the City of Tigard would miss Ms. Koepping. He referred to a past report on the monetary value of volunteers. Last year, volunteers contributed what would have amounted to \$500,000 for the hours they served.

Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve Resolution No. 05-19.

RESOLUTION 05-19 – A RESOLUTION RECOGNIZING SUSAN KOEPPING FOR HER SERVICE TO THE CITY OF TIGARD AS VOLUNTEER COORDINATOR

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Woodruff:	Yes

Ms. Koepping spoke to the Council, staff, and community and thanked them for a "great seven years." She noted her appreciation to the volunteers who gave their time and energy to make Tigard a great community. She thanked the Mayor and City Council who provided the opportunity for a volunteer program and the employees who were gracious and appreciative for the volunteers who worked alongside them. She concluded by noting her appreciation for Bill Monahan's counsel and wisdom and to Liz Newton for all she did for her.

(Note: Item Nos. 5 and 6 were considered at this time.)

> PROCLAMATION – NATIONAL COMMUNITY DEVELOPMENT WEEK; MARCH 28 - APRIL 3, 2005

Mayor Dirksen read the proclamation and declared March 28-April 3, 2005, as National Community Development Week with the concurrence of the City Council members present. Mayor Dirksen noted the Community Development Block Grant program is at risk at the Federal level due to budget cuts under consideration.

3. CITIZEN COMMUNICATION

- Follow-up to Previous Citizen Communication: No one spoke at the March 8, 2005 Citizen Communication agenda item.
- George Burgess submitted a letter from the Friends of the Tigard Public Library, 13500 SW Hall Blvd., Tigard, OR 97223, requesting continued use of the "annex building" to store books for the Friends of the Tigard Public Library. The Friends sell these books to raise funds for the library. Interim City Manager Prosser said he was aware of some discussion about the annex building (niche); it has been determined that the skate park will not affect this building. The Friends may continue to store books at this site.
- Gretchen Buehner, 13249 SW 136th Place, Tigard, OR 97223, requested that special Council meetings, such as the one being held on April 4 with the School Board and the City of Tualatin, be held on dates and times that do not conflict with the Tigard Planning Commission. Mayor and Council members agreed they would try to avoid conflicts. It was noted that sometimes conflicts cannot be avoided when scheduling dates when other boards and councils are available to meet.

4. CONSENT AGENDA:

Note: Item 4.4 was removed for separate discussion by the City Council.

Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Consent Agenda as follows:

- 4.1 Approve Council Minutes for February 8, 2005
- 4.2 Appoint Brian Davies to the Park and Recreation Advisory Board and Appoint Trisha Swanson as the Alternate to that Board – Resolution No. 05-20

RESOLUTION NO. 05-20 – A RESOLUTION TO APPOINT BRIAN DAVIES TO THE PARK AND RECREATION ADVISORY BOARD AND TO APPOINT TRISHA SWANSON AS AN ALTERNATE TO THAT BOARD

- 4.3 Approve Tigard Library Policies as Recommended by the Tigard Library Board
- 4.4 Removed for separate discussion (see below).
- 4.5 Relinquish Public Sewer Easements at Tigard Market Place
- 4.6 Local Contract Review Board: Award Contract for City-Wide Janitorial Services to Wellspring Services

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Woodruff:	Yes

4.4 Approve Interim City Manager Contract

Human Resources Director Zodrow was present to answer questions on the proposed contract. Interim City Manager Prosser left the meeting while the City Council discussed this item.

Councilor Harding noted she requested this item be removed as she questioned and requested Council discussion on the cost of living (COLA) provision. Human Resources Director Zodrow reviewed the COLA decision the City Council determines each year. She noted last year the Council decided to implement the COLA on October 1. If the Council decides to act similarly this year, the COLA would become a moot point as the City Manager should be named by that time and the Interim City Manager's contract would not be in effect.

Councilor Harding said that this would be a good time to make changes. Mayor Dirksen said he would be concerned about taking away the COLA for the Interim City Manager without considering the rest of the contract. Councilor Harding noted the Interim City Manager had received a substantial increase in pay and it did not seem congruent to also include a COLA.

There was discussion on Councilor Harding's suggestion to review the COLA provision in the new City Manager's contract. Mayor Dirksen noted that Councilor Harding had given the City Council information on performance-based contract language. Human Resources Director Zodrow will review this language and include information for City Council review when drafting the contract for the City Manager.

Councilor Harding reiterated that she thought now was a good time to make a change.

Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Interim City Manager's Contract as submitted.

The motion was approved by a majority vote (3-1) of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	No
Councilor Sherwood:	Yes
Councilor Woodruff:	Yes

Interim City Manager Prosser returned to the meeting.

(Note: Agenda Item No. 7 was considered at this time.)

5. RECOGNITION OF NORTHWEST MEDICAL TEAMS FOR TSUNAMI RELIEF IN SOUTHEAST ASIA

Assistant to the City Manager Newton presented the staff report on this agenda item. Before the Council was a resolution and plaque thanking the Northwest Medical Team. Mr. Bas Vanderzalm from Northwest Medical Teams was present.

Councilor Woodruff said it was great to have Northwest Medical Teams as a part of the Tigard community. He said the phrase, "locally based, internationally valued," certainly applied to this organization.

Mr. Vanderzalm said he and his wife were glad to be a part of the Tigard community. He thanked the City for the Bonita Park, located near the Northwest Medical Team facility. He said he appreciated the City's support.

Motion by Councilor Harding, seconded by Councilor Woodruff, to adopt Resolution No. 05-21.

RESOLUTION NO. 05-21 – A RESOLUTION OF THE TIGARD CITY COUNCIL COMMENDING TIGARD-BASED NORTHWEST MEDICAL TEAMS FOR 25 YEARS OF SERVICE TO MILLIONS AFFECTED BY DISASTER, CONFLICT AND POVERTY AROUND THE WORLD

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Woodruff:	Yes

6. REPORT ON INDONESIAN RESOURCE CITIES EXCHANGE

Tigard Public Works Director Dennis Koellermeier, Water Resources Manager for Clean Water Services Tom Vanderplatt, and Senior Vice President for Murray Smith and Associates David Liebrandt presented information to the City Council on their recent trip to Indonesia. They worked with local officials of Samarinda and Balikpapan to develop work plans and action steps to improve their domestic water supply. A copy of the PowerPoint slide presentation to the Council is on file in the City Recorder's office and summarizes the information shared with the City Council.

Mayor Dirksen said he was proud the City is involved with this program, which provides good training for the City of Tigard staff as well as providing a service to the Indonesian people.

Interim City Manager Prosser advised he has been fortunate to make two trips to Indonesia. He noted the program has done good work and to see the changes the Indonesian participants have implemented "is amazing."

Interim City Manager Prosser noted this program is funded by the ICMA Resource Cities Partnership (US Aid). Expenses to the jurisdictions and organizations participating include some meals and gift exchanges.

A delegation from Indonesia will arrive in the Tigard area on April 9 and visit the City Council during its April 12 meeting.

7. UPDATE AND DISCUSSION ON NATURAL RESOURCES PROTECTION PROGRAM AND GOAL 5

Associate Planner Hajduk presented the staff report for this agenda item. Ms. Hajduk provided the policy context for Council's Growth Goal; provided a background/update on the Tualatin Basin Goal 5 effort; and discussed the proposed natural resource protection work plan. A copy of the PowerPoint slide presentation to the Council is on file in the City Recorder's office and summarizes the information shared with the City Council.

Councilor Woodruff asked Associate Planner Hajduk if the changes in this program over the last six months have been positive. Associate Planner Hajduk advised

there are mixed reports with regard to the Metro shift in direction to focus on regulation only in the highest riparian areas with non-regulatory tools to be used for the remaining resource areas. This change was made to address concerns about the potential for Ballot Measure 37 claims.

There was discussion about the City of Tigard's regulations for natural resource protection. Councilor Sherwood referred to Councilor Wilson's earlier suggestions about incentives for natural resource protection. Councilor Harding noted the work still being done on this issue and that some of Councilor Wilson's ideas may be utilized.

Associate Planner Hajduk noted the opportunity for public involvement and the surprisingly few questions and comments that came from the Tigard area as compared to other jurisdictions.

Associate Planner Hajduk noted issues will be identified with a report to the City Council in June or July. She referred to the goal options slide in the PowerPoint presentation. She noted the Vision Task Force talked about this matter, but did not want to go beyond stating the desire to "preserve and protect" open space and greenway areas.

In response to Associate Planner Hajduk's request for general direction from the City Council, Mayor Dirksen noted the City already enhances and restores natural areas and referred to the restoration of much of the riparian area next to the new library. He noted the existing groups and programs in place. Councilor Woodruff noted he agreed with preserving and protecting (maintaining) but also would agree to expansion of open space. There was discussion on Measure 37 as it affects Goal 5 with Council support noted for Metro's change of direction.

- > Mayor Dirksen reported to Council about an opportunity for additional park land near Jack Park. Tualatin Valley Fire and Rescue Chief Jeff Johnson spoke to Mayor Dirksen about the possibility of a joint project on a five-acre piece of land adjacent to Jack Park where a new fire station is to be built. Some of the property could be used for access to Jack Park and parking spaces for the park could be shared with the parking lot constructed for the fire station.

8. ANNUAL REVIEW OF THE COMMUNITY ASSESSMENT PROGRAM (CAP)

Assistant to the City Manager Newton presented the staff report on this agenda item. Accompanying Ms. Newton was Associate Planner Hajduk, who helps manage the CAP. A copy of the PowerPoint slide presentation to the Council is on file in the City Recorder's office and summarizes the information shared with the City Council.

Ms. Newton reported on the results of the first two years of the program and the

plans for the future. As part of an expanded neighborhood program, staff will propose that each neighborhood have a CAP liaison. This person would review the assessment reports and serve as a link between the neighborhood and the City to address issues identified through assessments.

The following (see PowerPoint slides) information was reviewed with City Council:

- o CAP Mission
- o Goals
- o CAP Successes
- o 2003-2004 Comparisons
- o Follow-Up
- o Improvements for 2005
- o CAP Card Samples
- o Focus for 2005

Councilor Harding and Assistant to the City Manager Newton discussed the amount of citizen involvement and contact, and the perception that this is a code violation exercise. Ideas for improving the program included easier ways for citizens to connect to the program by use of the website, identifying neighborhood liaisons, and informing citizens about the CAP by providing information at the library. Assistant to the City Manager Newton noted the CAP is featured in the Cityscape and the Community Connector reports. Code violations were noted more often during the first year of the program. The follow up to violations noted on CAP walks is to address serious issues immediately. Other violations are noted to let property owners know of problems (education tool) rather than to issue citations.

Mayor Dirksen asked how many staff people go out on the CAP walks on Wednesdays. Assistant to the City Manager Newton said seven staff members are usually assigned to each walk; the number of staff can be reduced if neighborhood liaisons are added to the program. Benefits to staff were noted including gaining more familiarity with Tigard neighborhoods and a better understanding of what other staff members are doing.

Mayor Dirksen noted that during the budget process, he would like to know about how much the program costs as it relates to its perceived value.

Assistant to the City Manager Newton advised the neighborhood program concept will be presented to the City Council on April 19.

9. UPDATE – DIRECTION ON REVISED CITY LOGO

Assistant to the City Manager Newton presented the staff report on this agenda item. One of the 2005 Council goals is Graphic Identity (branding) to include a new City logo, signage and letterhead. Members of the Vision Task Force met on

February 24, 2005, to brainstorm ideas for themes and values. Their suggestions were provided to the City Council for review and were outlined in a March 9, 2005, memorandum from Assistant to the City Manager Newton. A copy of this memorandum is on file in the City Recorder's office.

Councilor Woodruff said he was looking for a more comprehensive approach – not just the logo – but for a representation of what Tigard is about. Discussion followed on the general themes for Tigard, such as “family friendly,” “a sense of community,” “a caring community,” and “a place to call home.”

Assistant to the City Manager Newton said that development of a logo should not cost more than \$2000. Discussion followed about who should be asked to propose concept ideas. The next step will be to prepare a letter to be sent to graphic designers to assist with the development of a new logo.

- 10. COUNCIL LIAISON REPORTS: None
- 11. NON AGENDA ITEMS: None
- 12. EXECUTIVE SESSION: Not held.
- 13. ADJOURNMENT

Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Woodruff:	Yes

The meeting adjourned at 9:25 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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MEMORANDUM

Administration



TO: Honorable Mayor and City Council

FROM: Cathy Wheatley *Cathy*

DATE: May 2, 2005

SUBJECT: Three-Month Council Calendar

Agenda Item No. _____
For Agenda of May 10, 2005

Regularly scheduled council meetings are marked with an asterisk (*).

May

2	Monday	Budget Committee Meeting – 6:30 pm, Library Community Room
9	Monday	Budget Committee Meeting – 6:30 pm, Library Community Room
10*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
16	Monday	Budget Committee Meeting – 6:30 pm, Library Community Room
17*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
23	Monday	Budget Committee Meeting – 6:30 pm, Library Community Room
24*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
30	Monday	Memorial Day Holiday, City Offices Closed
31	Tuesday	5 th Tuesday Council Meeting – 7-9 p.m., Library Community Room

June

14*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
17-19	Friday – Sunday	Tigard Festival of Balloons – Cook Park (See http://www.tigardballoon.org/)
21*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
28*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

July

- | | | |
|-----|---------|---|
| 4 | Monday | Tigard 4 th of July Celebration; Holiday – City Offices Closed |
| 12* | Tuesday | Council Business Meeting – 6:30 pm, Town Hall |
| 19* | Tuesday | Council Workshop Meeting – 6:30 pm, Town Hall |
| 26* | Tuesday | Council Business Meeting – 6:30 pm, Town Hall |

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Meeting Date: May 17, 2005 Meeting Type/Time: Workshop/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: May 3, 2005 Bid Opening Deadline: May 2, 2005 Scan Deadline @ noon: April 29, 2005 Req to Sched Due @5: April 15, 2005 Televised: No Attorney Attends: No	Meeting Date: May 24, 2005 Meeting Type/Time: Business/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: May 10, 2005 Bid Opening Deadline: May 9, 2005 Scan Deadline @ noon: May 6, 2005 Req to Sched Due @5: April 22, 2005 Televised: Yes Attorney Attends: No	Meeting Date: May 31, 2005 Meeting Type/Time: Special/7 p.m. Location: Library Com. Room Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: No Attorney Attends: No
	Study Session	Study Session
Mayor Dirksen will be absent Update on Downtown Improvement Plan - Jim H - 40 min. Discuss Measure 37 Decision-Making Entity - Jim - 20 min. Urban Services - IGA Review - Jim - 45 min. Friends of the Tualatin River Presentation - Jim H - 20 min Joint Meeting - Parks and Recreation Advisory Board - Dennis/Dan P. - 30 min. Interview Branding/Graphic Identity Consultants - Liz - 15-30 min. Update on Metro's Highway 217 Policy Advisory Committee - Brian Moore/Richard Brandman (Metro Staff) - time? Need RS (Note: This item may be placed on the 5/24 agenda)	Executive Session - City Manager Recruitment - Sandy - 30 min. Executive Session - Update on Real Property Acquisition - Dennis K. (Brian R.) - 15 min. Discuss Process for Interim City Manager Performance Review - Sandy - 10 min. Consent Agenda Approve Contract with Branding/Graphic Identity Consultant - Liz Award Contract - Well Head Improvements at ASR 2 - Dennis K. LCRB - Contract for Banking Services - Tom I. Business Meeting Solid Waste Rate Adjustment - PH - RES - Dennis K. - 15 min. Annual Court Report - Nadine - 20 min Metro Update on the 217 - Corridor Study - Jim H. - 30 min Update - Urban Renewal (if consultant is selected...placeholder Jim H. to determine)	Fifth Tuesday Meeting

Tigard City Council Tentative Agenda 2005

Meeting Date: June 14, 2005 Meeting Type/Time: Business/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: May 31, 2005 Bid Opening Deadline: May 30, 2005 Scan Deadline @ noon: May 27, 2005 Req to Sched Due @5: May 6, 2005 Televised: Yes Attorney Attends: Yes	Meeting Date: June 21, 2005 Meeting Type/Time: Workshop/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: June 7, 2005 Bid Opening Deadline: June 6, 2005 Scan Deadline @ noon: June 3, 2005 Req to Sched Due @5: May 13, 2005 Televised: No Attorney Attends: No	Meeting Date: June 28, 2005 Meeting Type/Time: Business/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: June 14, 2005 Bid Opening Deadline: June 13, 2005 Scan Deadline @ noon: June 10, 2005 Req to Sched Due @ 5: May 20, 2005 Televised: Yes Attorney Attends: No
Study Session		Study Session
Councilor Woodruff absent Executive Session - City Manager Recruitment - Sandy - 30 min. Exec. Session - (if criteria has been approved in a public meeting) - Interim City Manager Performance Review - Craig P/Sandy - 30 min.	Executive Session - City Manager Recruitment - Sandy - 30 min Progress Report - Hall Blvd/Highway 99W Intersection Improvements - Gus- 20 min Urban Renewal Financing - Jim H. - 45 min Discuss Heritage Tree Program - Dennis K. - 30-min. Discuss Penalties as Provided in Tree Protection Section of Code - Jim H./Dennis K. Need RS Meeting with IWB - Dennis K. - Need RS	Executive Session - City Manager Recruitment - Sandy - 30 min.
Consent Agenda		Consent Agenda
Appoint Budget Committee Member(s) - RES - Liz		Appoint (name) to the Library Board - RES - Margaret Appoint members to the City Center Advisory Commission - Jim H.
Business Meeting		Business Meeting
PH - Capital Improvement Program for FY 05-06 - PPT - Gus - 15 min Certify City Provides Services Qualifying for State Shared Revenues - PH - RES - Tom - 10 min. Declare City's Election to Receive State Shared Revenues - PH - ORD - Tom - 10 min. Adopt Budget - PH - RES - Tom - 20 min. Adopt Citywide Master Fees and Charges Schedule - RES - Tom - 20 min.		Joint Meeting with Planning Commission to Review and Discuss the Tigard Downtown Improvement Plan - Jim H. - 90 min. Joint Meeting with TVR&R - Dennis K. - Need RS

Tigard City Council Tentative Agenda 2005

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: Attorney Attends:	July 12, 2005 Business/6:30 p.m. City Hall June 28, 2005 June 27, 2005 June 24, 2005 June 10, 2005 Yes Yes	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: Attorney Attends:	July 19, 2005 Workshop/6:30 p.m. City Hall July 5, 2005 July 4, 2005 July 1, 2005 June 17, 2005 No No	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: Attorney Attends:	July 26, 2005 Business/6:30 p.m. City Hall July 12, 2005 July 11, 2005 July 8, 2005 June 24, 2005 Yes Yes
Study Session Executive Session - City Manager Recruitment - - Sandy - 30 min.		Executive Session - City Manager Recruitment - - Sandy - 30 min.		Study Session Executive Session - City Manager Recruitment - - Sandy - 30 min.	
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	
Downtown: 1. Review and Adopt Resolution Accepting the Downtown Improvement Plan 2. Review and Adopt Resolution Accepting the Implementation Plan for the Tigard Downtown Improvement Plan 2 RES - Jim H. 60 min Need RS on following Standing Item: MACC - Sally H. - Gary E. staff liaison - need to check with Councilor Harding on this				PH - Amend TMC to clarify that SDC fees are payable at the time a permit is issued - Jim H. - 30 min.	

AGENDA ITEM # 12
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Identifying the Preliminary Urban Renewal Plan Public Outreach Program

PREPARED BY: Jim Hendryx DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Should Council approve a resolution identifying the Preliminary Urban Renewal Plan Public Outreach Program?

STAFF RECOMMENDATION

Staff recommends Council approve the resolution identifying for the Urban Renewal Plan Public Outreach Program.

INFORMATION SUMMARY

Council established a 2005-06 goal for completing and implementing the Downtown Improvement Plan. Urban renewal is a tool identified to carry out this goal. Tigard's Charter and the Tigard Municipal Code (TMC) require voter approval for urban renewal and the use of tax increment financing.

Public outreach will be a key component in the effort to establish an urban renewal district within the City. To this effort, Council approved a RFP to obtain consultant services to assist in developing a Public Outreach Program. At its April 19, 2005 meeting, Council reviewed the major components of the proposed Public Outreach Program and gave direction to proceed.

Council gave direction on April 12, 2005 to proceed with advertising of requests for proposals for consultant assistance to develop the Public Outreach Program. The final Urban Renewal Plan Public Outreach Program will be presented to Council in June for approval. Council's action establishes the initial direction for the program.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life/Central Business District Goal #1, Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the central business district.

ATTACHMENT LIST

Attachment 1: Proposed Resolution for the Urban Renewal Plan Public Outreach Program.

FISCAL NOTES

Combined costs for consultant services to prepare a public outreach program and develop an urban renewal plan are estimated to be \$80,000, which would be paid from the General Fund.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION FOR THE PRELIMINARY URBAN RENEWAL PLAN PUBLIC OUTREACH PROGRAM.

WHEREAS, City Council goals for 2005 include revitalizing the Downtown and this particular goal calls for completing and implementing the Downtown Plan and urban renewal implementation; and

WHEREAS, over the last two months, Council has been briefed on the legal requirements for urban renewal, including the City Charter requirement for an election in either November or May and a decision has been made to proceed to a May election; and

WHEREAS, public involvement is essential to the success of the urban renewal effort; and

WHEREAS, Council gave initial direction at its April 19, 2005 workshop meeting to include a community survey, community dialogs, open houses, and public hearings leading to a decision on the urban renewal issue; and

WHEREAS, consultant services are required to help in that endeavor and prepare a public outreach program for the urban renewal plan; and

WHEREAS, Council gave direction at its March 22, 2005 study session to proceed with a Request for Proposal (RFP) to obtain consultant services for a public outreach program for an urban renewal plan leading to a May, 2006 election; and

WHEREAS, the Council wishes to provide guidance to the consultant for the public outreach program,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Urban Renewal Public Outreach Program shall include a statistically valid telephone survey to gauge voter acceptance of urban renewal and tax increment financing.

SECTION 2: The Urban Renewal Public Outreach Program shall include an analysis of the survey results with recommendations for a successful public outreach program.

SECTION 3: The Urban Renewal Public Outreach Program shall include communications tools that educates and reaches Tigard voters.

SECTION 4: The Urban Renewal Public Outreach Program shall involve extensive outreach that includes community dialog meetings, open houses, public meetings and public hearings.

SECTION 5: The City Council shall approve the final Public Outreach Program in June, 2005.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Establish the Selection Process for the City Center Advisory Commission

PREPARED BY: Jim Hendryx DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Should Council approve a resolution establishing the initial selection process for the City Center Advisory Commission?

STAFF RECOMMENDATION

Staff recommends Council approve the resolution establishing the selection process for the City Center Advisory Commission.

INFORMATION SUMMARY

Council established a 2005-06 goal for completing and implementing the Downtown Improvement Plan. Urban renewal is a tool identified to carry out this goal. The TMC identifies the City Council as functioning as the Urban Renewal Agency (City Center Development Agency). The TMC also establishes a 7-12 member Advisory Commission (City Center Advisory Commission) charged with assisting and advising the Urban Renewal Agency.

At its April 19, 2005 meeting, Council gave direction to proceed with initially forming the Advisory Commission, to include 6 Downtown Task Force members, 1 Planning Commission member, 1 Park and Recreation Board member, and up to 4 City residents or property owners at large. Tigard Cityscape and other recruitment methods will be utilized to fill the at large positions.

In the future, the composition of the Advisory Commission will need to change. The Downtown Task Force has a limited charge of completing the Downtown Improvement Plan. Once that charge is met, the Downtown Task Force could end. In the future, the Development Agency could determine a need for individuals with specific expertise. The Development Agency will ultimately be responsible for the makeup of the Advisory Commission.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life/Central Business District Goal #1, Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the central business district.

ATTACHMENT LIST

Attachment 1: Proposed resolution on the selection process for the City Center Advisory Commission.

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION ON THE INITIAL SELECTION PROCESS FOR CITY CENTER ADVISORY COMMISSION.

WHEREAS, the Tigard Municipal Code (Chapter 2.64) establishes the City Center Development Agency; and

WHEREAS, the City Center Development Agency, subject to the limitations imposed by the Tigard Municipal Code (2.64.050), shall act as the urban renewal agency and exercise all powers available to the agency under ORS Chapter 457; and

WHEREAS, the Tigard Municipal Code (Chapter 2.64.060) establishes the City Center Advisory Commission comprised of seven to twelve members; and

WHEREAS, the purpose of the City Center Advisory Commission is to assist in implementation of an Urban Renewal Plan, to make recommendations to the City Center Development Agency and to help inform Tigard's citizens of the plan's content and activities; and

WHEREAS, the City Council met on April 19, 2005 and discussed the role and composition of the City Center Advisory Commission; and

WHEREAS, the Downtown Task Force, made up of 24 members, appointed by Council, have developed, with community input, a draft plan for the future of Tigard's downtown; and

WHEREAS, the Downtown Task Force, through community input and personal interest, have gained considerable knowledge of the downtown's needs; and

WHEREAS, the Planning Commission and the Parks and Recreation Board will be responsible for carrying out the vision of the Downtown Plan; and

WHEREAS, in the future, the composition of the City Center Advisory Commission could change to meet the needs of the City Center Development Agency,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Center Advisory Commission shall initially include membership of 6 Downtown Task Force Members.

SECTION 2: The City Center Advisory Commission shall include membership of 1 Planning Commission Member.

SECTION 3: The City Center Advisory Commission shall include membership of 1 Park and Recreation Board Member.

SECTION 4: The City Center Advisory Commission shall include membership of up to 4 City residents or property owners at large.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointment to the Building Appeals Board of Michael Kringlen as the Public Member

PREPARED BY: Gary Lampella DEPT HEAD OK  CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should the City Council appoint Michael Kringlen to the Building Appeals Board?

STAFF RECOMMENDATION

Adopt the attached resolution appointing Michael Kringlen to the Building Appeals Board as a member representing the general public.

INFORMATION SUMMARY

Tigard Municipal Code Section 2.09.030 sets the Board at seven members. This will fill the recently vacated public member position.

OTHER ALTERNATIVES CONSIDERED

Delay the appointment.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character & Quality of Life, Volunteerism Goal #1: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Attachment 1: Proposed resolution appointing Michael Kringlen to the position of representing the general public.

FISCAL NOTES

This is a volunteer position and has no budgetary impact.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY OF TIGARD APPOINTING MICHAEL KRINGLEN TO THE BUILDING APPEALS BOARD

WHEREAS, Michael Kringlen has expressed interest in becoming a member of the Building Appeals Board; and

WHEREAS, Michael Kringlen has been interviewed by the Mayor's Appointment Advisory Committee; and

WHEREAS, the position representing the general public is currently vacant,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Michael Kringlen is appointed to complete the unexpired term of the previous public member. His term expires on April 1, 2006.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Appointing Jason Snider to the Budget Committee to Complete the Term Vacated by Irene Moszer

PREPARED BY: Tom Imdieke JF DEPT HEAD OK JF CITY MGR OK ch

ISSUE BEFORE THE COUNCIL

Should the City Council appointment Jason Snider to the vacant position on the Budget Committee due to the recent resignation of Irene Moszer?

STAFF RECOMMENDATION

Appoint Jason Snider to the Budget Committee

INFORMATION SUMMARY

Irene Moszer recently submitted her resignation from the City's Budget Committee due to a change of employment and moving from the area. Interviews were held on April 29, 2005 to fill this vacancy as well as for a position on the Budget Committee which will become vacant on July 1, 2005 due to a current member fulfilling the term limit of two three-year terms.

The interview committee is recommending that Jason Snider be appointed by the City Council to complete the term of Irene Moszer which ends on June 30, 2006.

Mr. Snider has been a Tigard resident for six years and currently works for Kaiser Permanente as a Quality Manager. Mr. Snider is also a certified EMT-Paramedic and is a former Reserve Police Officer for the City of Tigard.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Resolution appointing Jason Snider to the Budget Committee

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION APPOINTING JASON SNIDER TO THE BUDGET COMMITTEE TO COMPLETE
THE TERM VACATED BY IRENE MOSZER

WHEREAS, one position is open on the City's Budget Committee due to the recent resignation of Irene Moszer; and

WHEREAS, Jason Snider was interviewed by the Mayor's Appointments Advisory Committee on April 29, 2005; and

WHEREAS, the Appointments Advisory Committee has recommended the appointment of Jason Snider to the Budget Committee.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Jason Snider is appointed to complete the position vacated by Irene Moszer. This term ends June 30, 2006.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of a Cooperative Improvement Agreement between the Oregon Department of Transportation and the City of Tigard for Improvements to SW 72nd Avenue.

PREPARED BY: G. Berry DEPT HEAD OK ap CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Shall the City Council approve the attached resolution and authorize the City Manager to sign a Cooperative Improvement Agreement with the Oregon Department of Transportation (ODOT) to improve SW 72nd Avenue?

STAFF RECOMMENDATION

Staff recommends that Council approve, by motion, the attached resolution approving the Cooperative Improvement Agreement and authorize the City Manager to execute the agreement.

INFORMATION SUMMARY

On April 26, 2005, the Local Contract Review Board awarded the contract to construct Phase 2 of the FY 2004 – 05 Pavement Maintenance Program. The accompanying staff report noted that the portion of the project on SW 72nd Avenue between SW Hunziker Street and the Highway 217 overcrossing is currently maintained by ODOT. ODOT has agreed to reimburse the City \$46,015.05 for construction costs plus fifteen percent of the construction cost for engineering design for a total \$52,917.31. In return, the City will become responsible for maintenance of this portion of the street. Approval of the attached Cooperative Improvement Agreement will implement this agreement.

This portion of SW 72nd Avenue is adjacent to another portion of SW 72nd Avenue that extends to SW Fir Street which the City had previously assumed maintenance responsibility through a similar agreement approved by Resolution No. 81-103 (attached). A 1983 amendment (attached) to this agreement is referred to in Paragraph Six of "City Obligations" in the proposed agreement. The amendment was intended to more clearly define the City's traffic signal maintenance and power responsibilities.

Before bids were received, the sufficiency of available funding to cover all desired work was uncertain. To ensure that the funding was sufficient to award the contract, replacement of only two of ten traffic signal detectors were included and a portion of the repaving did not include grinding. ODOT intends to provide additional funding, up to an amount not to exceed \$73,000, to cover at least a portion of this omitted work through a change order to be negotiated with the contractor following award of the contract.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

ATTACHMENT LIST

Attachment 1: Proposed Resolution

Attachment 2: Proposed ODOT Intergovernmental Agreement with Exhibit A (8 pages)

Attachment 3: Resolution No. 81-103

Attachment 4: 5/29/81 Throughway Agreement with Exhibit A (7 pages)

Attachment 5: Resolution No. 83-88

Attachment 6: 8/2/83 Supplemental Maintenance-Power Agreement Traffic Signal Installation (3 pages)

FISCAL NOTES

This agreement will allow the City to be reimbursed for the cost of pavement maintenance for a portion of SW 72nd Avenue. Future maintenance of this portion of SW 72nd Avenue would be at City expense.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION APPROVING A COOPERATIVE IMPROVEMENT AGREEMENT BETWEEN THE OREGON DEPARTMENT OF TRANSPORTATION AND THE CITY OF TIGARD FOR IMPROVEMENTS TO SW 72ND AVENUE.

WHEREAS, the Tigard City Council wishes to enter into an agreement with the Oregon Department of Transportation regarding certain improvements and maintenance of SW 72nd Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council hereby authorizes the City Manager to sign, on behalf of the City, an agreement with the Oregon Department of Transportation identifying their respective obligations relative to the costs of currently proposed improvements and continuing maintenance of a certain portion of SW 72nd Avenue.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

COOPERATIVE IMPROVEMENT AGREEMENT**Pavement Improvements
OR 217 @ 72nd Avenue**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT"; and the City of Tigard, acting by and through its elected officials, hereinafter referred to as "City."

RECITALS

1. OR 217, is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. 72nd Avenue is a part of the city street system under the jurisdiction and control of City.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, ODOT may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, and to better serve the public, City plans and proposes to perform a grind inlay on 72nd Avenue on both City and ODOT right of way, hereinafter referred to as "Project". The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.
2. The total cost of the Project is estimated by City to be \$400,000. City shall finance and construct the Project. ODOT shall reimburse the City for the actual cost of the portion of the Project on ODOT right of way, as described in the aforementioned exhibit, and this amount is not to exceed \$73,000 in maintenance funds. City shall be responsible for any Project costs beyond the estimate.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance and power responsibilities for the useful life of the facilities constructed as part of the Project. The Project shall be completed within 2 calendar years following the date of final execution of this Agreement by both parties.

CITY OBLIGATIONS

1. City shall, prior to advertising for contract bids, forward to ODOT District 2A copies of all plans and specifications for the Project for review and concurrence.
2. Upon completion of the Project and final inspection by ODOT, City shall forward an invoice to ODOT for the actual cost of ODOT's portion of the Project, which shall not exceed \$73,000. City shall be responsible for all costs over \$73,000.
3. City shall lay out and paint the necessary lane lines for the Project.
4. City shall cause to be relocated or reconstructed, all privately or publicly owned utility conduits, lines, poles, mains, pipes, and all other such facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the Project in order to conform the utilities and other facilities with the plans and the ultimate requirements of the Project. All utility relocations shall be at the sole expense of the City.
5. City is responsible for and insures that all Project right-of-way monumentation will be conducted in conformance with ORS 209.150.
6. City shall be responsible for all maintenance costs for the roadway including the portion of the Project on ODOT right of way. City shall continue all existing maintenance responsibilities within the Project area as agreed to by prior Agreement with ODOT, Agreement No. 7512, Amendment 1, executed September 27, 1983.
7. City shall, upon completion of the Project and at its own expense, maintain the pavement surrounding the vehicle detector loops installed in the City and Project area roads in such a manner as to provide adequate protection for said detector loops. Failure to do so may result in ODOT requiring City to repair or replace the damaged loops at City expense. City roadwork activities may also result in the same ODOT requirements. City shall also adequately maintain the pavement markings installed in accordance with current ODOT standards.
8. All employers, including City, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. City shall ensure that each of its subcontractors complies with these requirements.
9. City acknowledges and agrees that ODOT, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of City which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts

for a period of three years after completion of Project. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by ODOT.

10. City shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof; Without limiting the generality of the foregoing, City expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
11. City shall construct the Project in accordance with the requirements of ORS 276.071 including the public contracting laws within ORS Chapters 279A, 279B and 279C
12. If City chooses to assign its contracting responsibilities to a consultant or contractor, City shall inform the consultant or contractor of the requirements of ORS 276.071, to ensure that the public contracting laws within ORS Chapters 279A, 279B and 279C are followed
13. City shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation, its officers and employees from any and all claims, suits, and liabilities which may occur in the performance of this project.
14. Notwithstanding the foregoing defense obligations under paragraph 13 above, neither City nor any attorney engaged by City shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency is prohibited from defending the State of Oregon, or that Agency is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against City if the State of Oregon elects to assume its own defense.
15. City shall require contractor to indemnify ODOT and name ODOT as a third party beneficiary of the resulting contract, obtain and keep in effect during the term of the contract Comprehensive or Commercial General Liability Insurance covering bodily injury and property damage. This insurance shall include personal injury coverage, contractual liability coverage for the indemnity provided under this Agreement and products/completed operations liability. Combined single limit per occurrence shall not be less than \$1,000,000 or the equivalent. Each annual aggregate limit shall not be less than \$2,000,000 when

applicable and shall carry at a minimum personal injury and property damage insurance with a single limit of \$1,000,000 for all claims arising out of a single accident or occurrence. City shall also insure that the contractor also provide an additional \$1,000,000 excess insurance coverage over the basic \$1,000,000 coverage. Each annual aggregate limit shall not be less than \$2,000,000 when applicable. The contractor shall include City and ODOT as named insured on policies issued for this Project, or shall furnish an additional insured endorsement naming the same as additional insured to the contractor's existing public liability and property damage insurance. The certificate of insurance shall include the State of Oregon, Transportation Commission and its members, Department of Transportation, officers and employees as additional insured. City shall provide a copy of the certificate to ODOT prior to construction of the Project. The insurance coverage shall not be amended, altered, modified or cancelled insofar as the coverage contemplated herein is concerned without at least 30 days prior written notice.

16. City shall authorize execution of this Agreement during a regularly convened session of its City Council.
17. City's Project Manager for this project is Vannie Nguyen, Capitol Improvement Program Manager, 13125 SW Hall Blvd, Tigard, OR. 97223, Tel: 503-718-2460.
18. City may change the foregoing Project Manager and address by giving prior written notice thereof to ODOT at its notice address.
19. Upon completion of the project, City shall submit three sets of "As Constructed" drawings to ODOT's. One set shall be half size 11"x17" mylars, the remaining sets shall be half size (11"x 17") prints. Submit all sets to ODOT District 2A office, attention. Steve Schalk.

ODOT OBLIGATIONS

1. ODOT shall, at Project expense, conduct plan review, Project approval/concurrence, Project inspection, provide technical expertise and grant access to right of way, as requested.
2. ODOT shall, upon execution of the Agreement, completion of ODOT final inspection of the Project, and upon the receipt of an invoice from the City, forward the actual cost for the ODOT portion for the Project, which shall not exceed \$73,000. Any additional costs beyond \$73,000 is the responsibility of City.
3. ODOT hereby grants the City permission to access ODOT right of way for Project construction and on-going maintenance responsibilities.
4. ODOT shall retain all utility and access permit-issuing authority along the state highway.

Agreement No. 22,381
City of Tigard

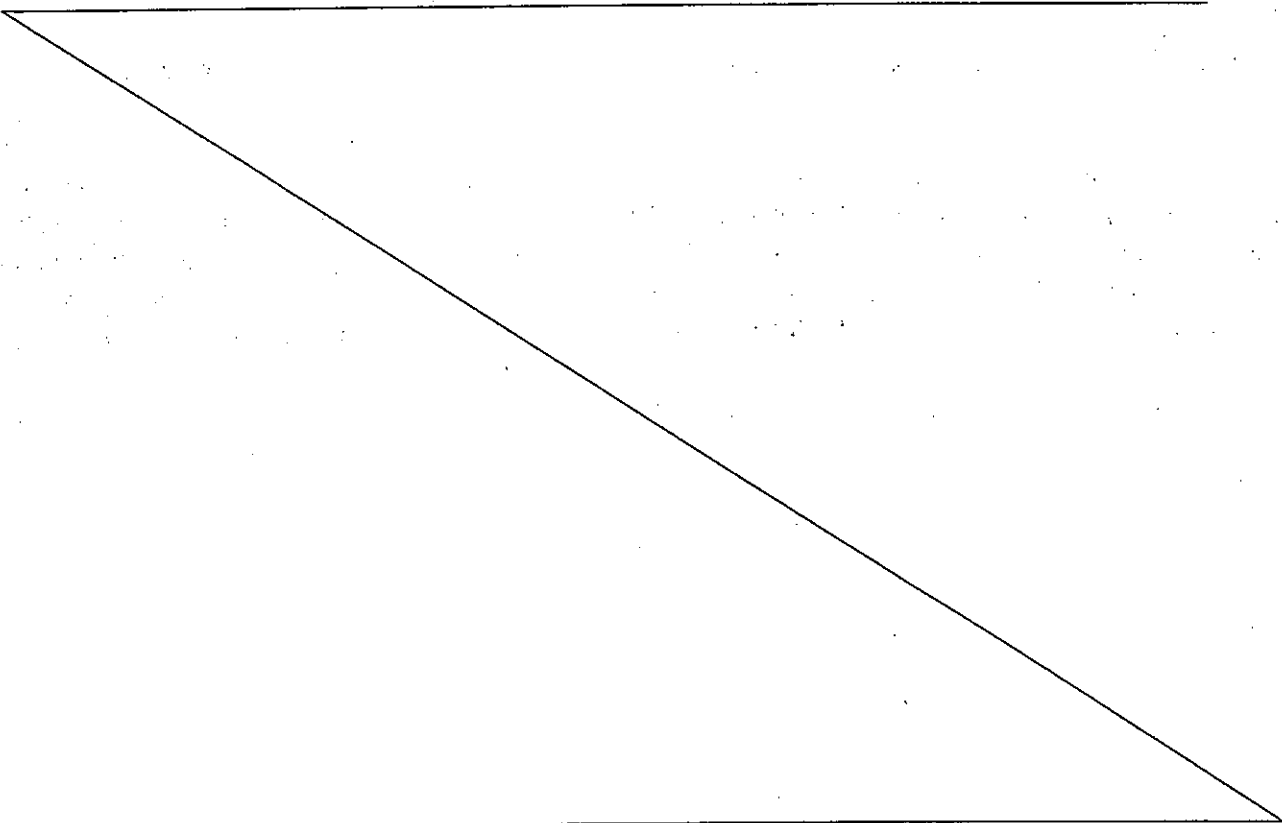
5. ODOT certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within ODOT's current appropriation or limitation of the current biennial budget.
6. Upon completion of the Project, ODOT shall continue all existing maintenance responsibilities within the Project area as agreed to by prior Agreement with the City, Agreement No. 7512, Amendment 1, executed September 27, 1983.
7. ODOT's Project Manager for this Project is Steve Schalk, ODOT District 2A, 5440 SW Westgate Driver, Ste. 350, Portland, OR 97221, Phone: 503-229-5002.
8. ODOT may change the foregoing Project Manager and address by giving prior written notice thereof to ODOT at its notice address.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both parties.
2. ODOT may terminate this Agreement effective upon delivery of written notice to City, or at such later date as may be established by ODOT, under any of the following conditions:
 - a. If City fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If City fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within 10 days or such longer period as ODOT may authorize.
 - c. If City fails to provide payment of its share of the cost of the Project.
 - d. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or ODOT is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

Agreement No. 22,381
City of Tigard

4. If City fails to maintain facilities in accordance with the terms of this Agreement, ODOT, at its option, may maintain the facility and bill City, seek an injunction to enforce the duties and obligations of this Agreement or take any other action allowed by law.
5. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.



IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

Agreement No. 22,381
City of Tigard

On November 10, 2004, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates to the Deputy Director the authority to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in other system plans approved by the Oregon Transportation Commission, or in a line item in the biennial budget approved by the Director.

CITY OF TIGARD, by and through its elected officials

By _____
City Manager

Date _____

By _____

Title _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
City Counsel

Date _____

STATE OF OREGON, by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief Engineer

Date _____

By _____
Region 1 Manager

Date _____

By _____
District 2A Manager

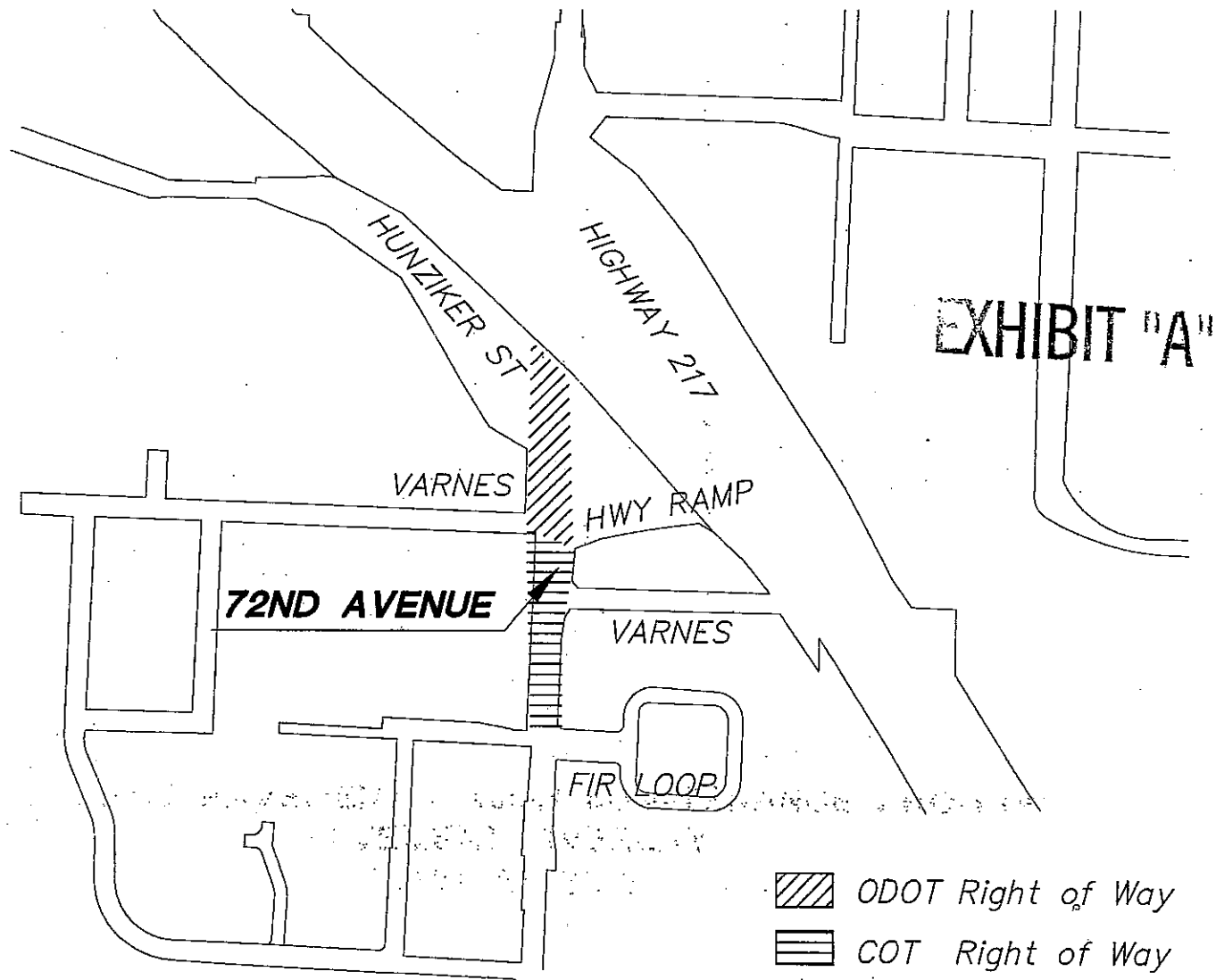
Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date: _____

**FY 2004-05 PAVEMENT MAJOR MAINTENANCE PROGRAM
PAVEMENT OVERLAY
72ND AVENUE**



CITY OF TIGARD, OREGON

RESOLUTION No. 81-103

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING ENTERING INTO AN AGREEMENT
WITH THE OREGON DEPARTMENT OF TRANSPORTATION FOR THE 72ND AVENUE INTERCHANGE.

WHEREAS, this Council's desire is to cooperate in the construction, maintenance, operation and jurisdiction of the 72nd Avenue Interchange project on the Beaverton Tigard Highway, and enter into an agreement with the State of Oregon.

NOW, THEREFORE,

BE IT RESOLVED by the Tigard City Council that:

1. The Mayor and City Recorder are hereby authorized to execute said agreement with the Oregon Department of Transportation on behalf of the City of Tigard.
2. Said agreement covers the construction, maintenance, operation and jurisdiction of the 72nd Avenue Interchange project on the Beaverton-Tigard Highway.

PASSED this 14 day of Sept., 1981.

Wilbur A. Bishop
Mayor

ATTEST:

Marie Harty
Recorder

Approved: Hunter & Versteeg
MCH:pf
5/29/81

Misc. Contracts & Agreements
No. 7512

THROUGHWAY AGREEMENT

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; and the CITY OF TIGARD, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. For the purpose of furthering the development of a highway system adapted in all particulars to the needs of the people of the State of Oregon and for the safe and expeditious flow of traffic, State and City plan and propose to construct the 72nd Avenue Interchange Section of the Beaverton-Tigard Highway, State Secondary Highway No. 144, as a "throughway", as that term is defined in ORS 374.010, hereinafter referred to as "project". The location of said project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.

2. By the authority granted in ORS 374.015, State may lay out, locate, relocate, adopt, establish, construct, designate, maintain, and supervise the use and operation of new highways known as throughways, including state highways within the corporate limits of the cities.

3. By the authority granted in ORS 366.075, and 374.080, State and City may enter into agreements and do all things necessary for the laying out, acquisition, construction, reconstruction, improvement, repair, and maintenance of throughways within the limits of the City.

4. By the authority granted in ORS 374.060, State may, with the official approval of City, close any street, highway, or road of City at or near its point of intersection with a throughway, or make provisions for carrying the street or road over or under the throughway, or provide a connection with a throughway by means of a utility or service road to a suitable point of connection, and do any and all work on the street, highway, or road as is necessary therefore.

5. By the authority granted in ORS 374.070, no street shall, after establishment of any throughway in or through a municipality, be constructed turning into or intersecting the throughway unless the plans and specifications therefore have first been submitted to and approved in writing by the Oregon Transportation Commission and made a matter of official record.

6. By the authority granted in ORS 373.030, State may not change the grade of any street or road within the limits of City over which State highway traffic is routed without the consent of City.

7. By the authority granted in ORS 271.330(1) State, or any political subdivision within the State, has the express power to relinquish the title to any of its property to any other governmental body or political subdivision within the State, provided such property shall continue to be used for public purposes.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State shall conduct the necessary field surveys and traffic investigations, identify and obtain all right-of-way, easements and permits, perform all preliminary engineering and design work required to prepare the plans, specifications and estimates, advertise for bid proposals, award all contracts, furnish all construction engineering, material testing, technical inspection and resident engineer services for administration of the contract and, upon completion of construction, thereafter perform the necessary maintenance operations along the throughway, approximately as shown on the attached Exhibit A.

2. State shall reconstruct portions of S.W. 72nd Avenue, S.W. Hampton Street, Hunziker Road and S.W. Varns Street and, upon completion of construction, shall dispose of all State's right, title and interest, for public purposes only, in those portions of streets lying outside the access control boundaries of the throughway, with all jurisdiction, maintenance and control thereupon passing to City to be performed at its sole expense. Said portions of streets are approximately as shown cross-hatched on the attached Exhibit A.

3. State shall close certain existing roads, streets or ways within the limits of the project, portions of which may be under the jurisdiction of City. Said closures shall be accomplished by erection of a barrier or obliteration of the existing roadway and include warning signs, where applicable. Said closures are approximately as shown on the attached Exhibit A.

4. State shall, without cost to City, relocate or cause to be relocated all existing privately-owned utility conduits, lines, poles, mains, pipes, and other such facilities that are located on private property where such relocation is necessary to conform said utilities or facilities to the plans for the project.

5. State shall, upon receipt from City of an itemized statement in triplicate of such expense, reimburse City for the reasonable expenses incurred by City in relocating or extending any City-owned utility conduits, lines, poles, mains, pipes and other such facilities located within a public right-of-way, upon City-owned property, or on private property under city easement, where

such relocation or extension is necessary to conform said facilities to the plans for the project; except that in the event such facilities are located within or upon the right-of-way of a state highway under a permit issued by the Oregon Transportation Commission under condition that the permittee will bear the cost of any relocation, the expense of relocating or extending such facilities shall be borne by the City. Only those utility relocations which are eligible for federal aid participation under Federal Aid Highway Program Manual, Volume 1, Chapter 4, Section 4, shall be included in the total project costs and participation; all other utility relocations shall be at the sole cost of State, City or others.

CITY OBLIGATIONS

1. City shall, upon completion of the project, assume at its sole expense and for public purposes only, all jurisdiction, maintenance and control of those portions of S.W. 72nd Avenue, S.W. Hampton Street, Hunziker Road and S.W. Varns Street referred to in paragraph 2 under STATE OBLIGATIONS, with all State's right, title and interest therein or thereupon passing to City. Said portions of streets and roads lie outside the access control boundaries of the throughway, and are approximately as shown cross-hatched on the attached Exhibit A.

2. City shall, at its own initial cost and upon request by State, relocate or extend those City-owned utility facilities described in Paragraph 5 under STATE OBLIGATIONS subject to reimbursement as therein provided. City shall comply with the Regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as Regulations), which are herein incorporated by reference and made a part of this agreement. Civil Rights Assurances must be included in all utility relocation contracts where Federal funds are involved and the City does not perform the relocation work with its own forces. This would usually occur when the City enters into a contract portion of the work.

3. City shall, upon request by State and without cost to State, relocate or cause to be relocation, all City-owned utility conduits, lines, poles, mains, pipes, and other such facilities not located within a public right-of-way, upon City-owned property, or on private property under City easement, where such relocation is necessary to conform said facilities to the plans for the project.

4. City shall, without cost to the State, relocate or cause to be relocated, all CITY-OWNED utility conduits, lines, poles, mains, pipes, and other such FACILITIES LOCATED WITHIN OR UPON THE RIGHT-OF-WAY OF A STATE HIGHWAY under a permit issued by the Oregon Transportation Commission upon condition that the permittee will bear the cost of any relocation.

5. City shall, upon request by State and without cost to State, relocate or cause to be relocated all PRIVATELY-OWNED UTILITY conduits, lines, poles, mains, pipes and other such FACILITIES LOCATED WITHIN THE LIMITS OF

CITY ON PUBLIC STREETS OR WAYS where such relocation is necessary to conform said utilities or facilities to the plans for the project. To this end City shall exercise all its municipal powers, including the Legislative power, to require relocation of such utilities or facilities.

6. After State has requested City to move ANY OF THE ABOVE-MENTIONED CITY-OWNED UTILITIES OR FACILITIES, City shall notify the engineer prior to commencing the relocation work on such utilities or facilities so that the relocation work can be properly coordinated with the other work of the project.

7. City shall allow state engineers and/or inspectors to inspect ANY RELOCATION OF UTILITY conduits, lines, poles, mains, pipes, and other such FACILITIES AS DESCRIBED IN PARAGRAPHS 3 and 4 in order to determine whether said utilities or facilities have been relocated in accordance with the plans for the project.

8. City agrees that no city street shall be constructed turning into or intersecting the throughway unless the plans and specifications therefore have first been submitted to and approved in writing by State and made a matter of official record.

9. City consents to the closure of those streets described in paragraph 3 under STATE OBLIGATIONS.

10. City, by execution of this agreement, does hereby give its consent as required by ORS 373.030(2), to any and all changes of grade, if any there be, in connection with or arising out of the construction of the project within the city limits. City shall have final approval of any changes of grade prior to advertisement for construction bid proposals.

11. City shall adopt a resolution authorizing its City Officials to enter into and execute this agreement, and the same shall be attached hereto and become a part hereof.

GENERAL PROVISIONS

1. The parties hereto agree and understand that they will comply with all applicable Federal and State statutes and regulations, including but not limited to: Title 6, U.S.C., Civil Rights Act; Title 18, U.S.C., Anti-Kickback Act; Title 23, U.S.C., Federal Aid Highway Act; Titles 2 and 3 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Federal Management Circular 74-4; and Office Management and Budget Circular A-102, Attachments G and P.

2. Signing, lighting, or traffic protection devices that are necessary to protect the motoring public will be included as a part of the project with the costs of maintenance and power to be shared by State and City in accord with the "Policy Statement for Cooperative Traffic Control Projects" approved by the Oregon State Highway Commission and the League of Oregon Cities bearing the date of September 8, 1971.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City Officials have acted in this matter pursuant to Resolution No. 81-10.3, adopted by its City Council on the 14th day of Sept., 1981.

This project was approved by the Oregon Transportation Commission on May 20, 1980 as a part of the Six Year Highway Improvement Program (page 16).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED

151 
Metropolitan Administrator

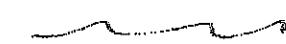
STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

151 H. S. Coulter
State Highway Engineer

Date 9-23-81

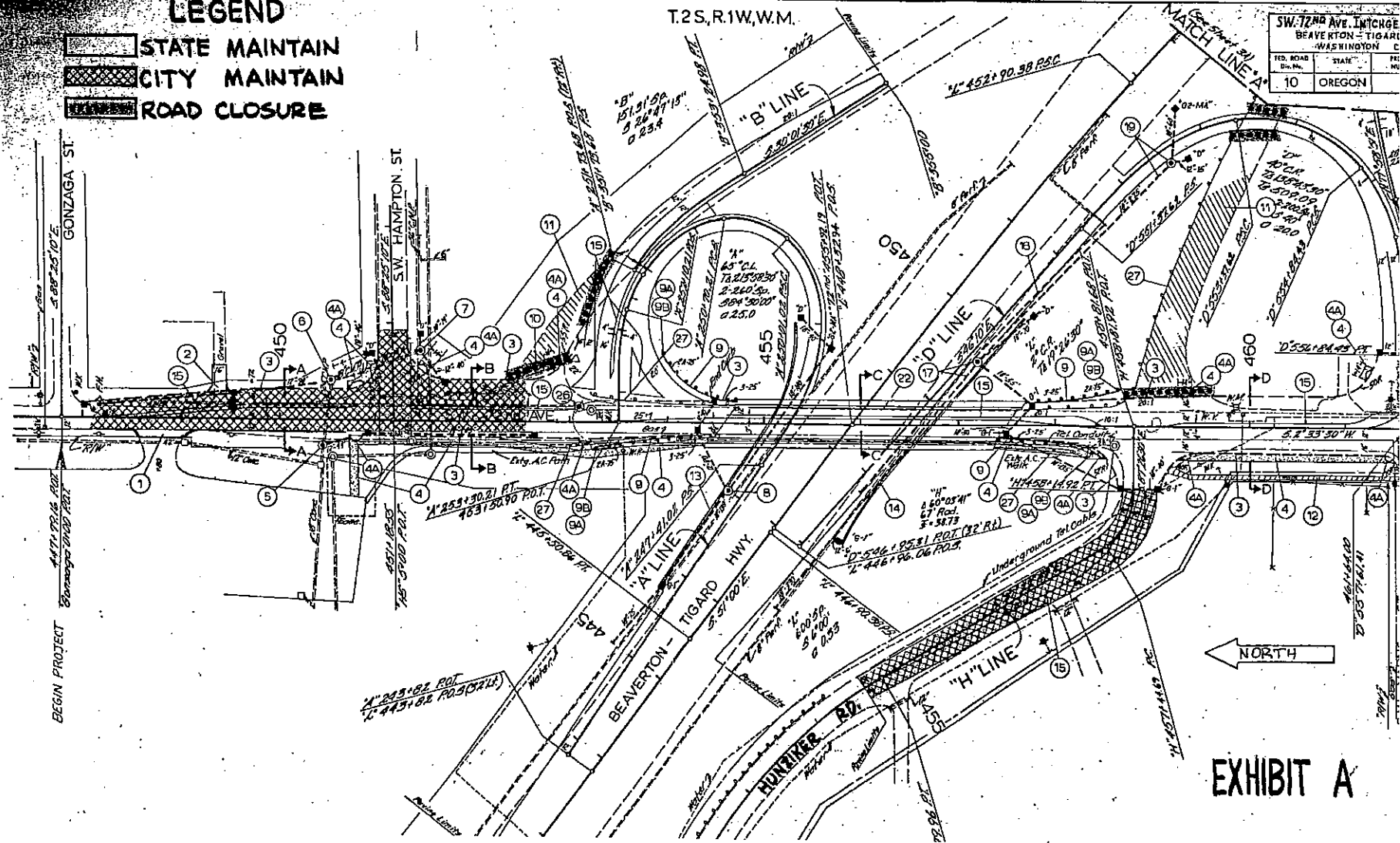
CITY OF TIGARD, by and through
its City Officials

By 151 
Mayor

By 151 
City Recorder

LEGEND

- STATE MAINTAIN
- CITY MAINTAIN
- ROAD CLOSURE



SW 72nd AVE. INTERCHANGE			
BEAVERTON - TIGARD			
WASHINGTON C			
FED. ROAD DIST. NO.	STATE	FED. PROJ. NO.	MU
10	OREGON		

EXHIBIT A

14) Dry, Type A-1-2 (Total)

Curb

15) Walk
Walk Ramps -13 (Total)

At:

Inlets-2 (Total)
Pipe -44'
Pipe -185'

16) Inlets-2 (Total)
Inlet
Pipe -248' (Total)

Pipe -46'

Inlet
Inlet
Pipe -40'
Pipe -14'

Lt.

"Inlet-3 (Total)
MA" Inlet
Inlet
Pipe -120' (Total)
Pipe -433' (Total)
7 Lin. Ft.

11-100' Type 3 (Total)
-300' Type 2A (Total)
or -4' (Type 1) (Total)
Inlet-4 (Type C) (Total)

"Pipe

17) Roadway Quantities

18) Walk
In Roadway Quantities

14) Sta. "D" 547+25 To Sta. "D" 550+25
Const. Retaining Wall -
Class 3000 -1 1/2 Conc.
Steel
Struct. Exc.
(For Details See Dry. No.)

15) Painted Traffic Markers By Others

16) Sta. "D" 555+75 To Sta. "C" 455+75
Const. Shld. Barrier -300'

17) Sta. "D" 549+40, Rt.
Const. Manhole
Const. Type "D" Inlet
Const. Type "G-1" Inlets -5 (Total)
Inst. 12" Sewer Pipe -6'
Inst. 18" Sewer Pipe -680' (Total)
Under Pmt. -140' (Total)
Tr. Exc. 381 C.Y. (Total)

18) Sta. "D" 547+80 To Sta. "D" 551+60
Inst. 8" Drain Pipe -400'
Special Fitter Mat'l -53 C.Y.
Tr. Exc. 60 C.Y.

19) Sta. "D" 552+55 Rt.
Const. Manhole
Const. Type "G2-MA" Inlet
Const. Type "D" Inlet
Install 12" Sewer Pipe -15'
Install 18" Sewer Pipe -350' (Total)
Tr. Exc. 88 C.Y. (Total)

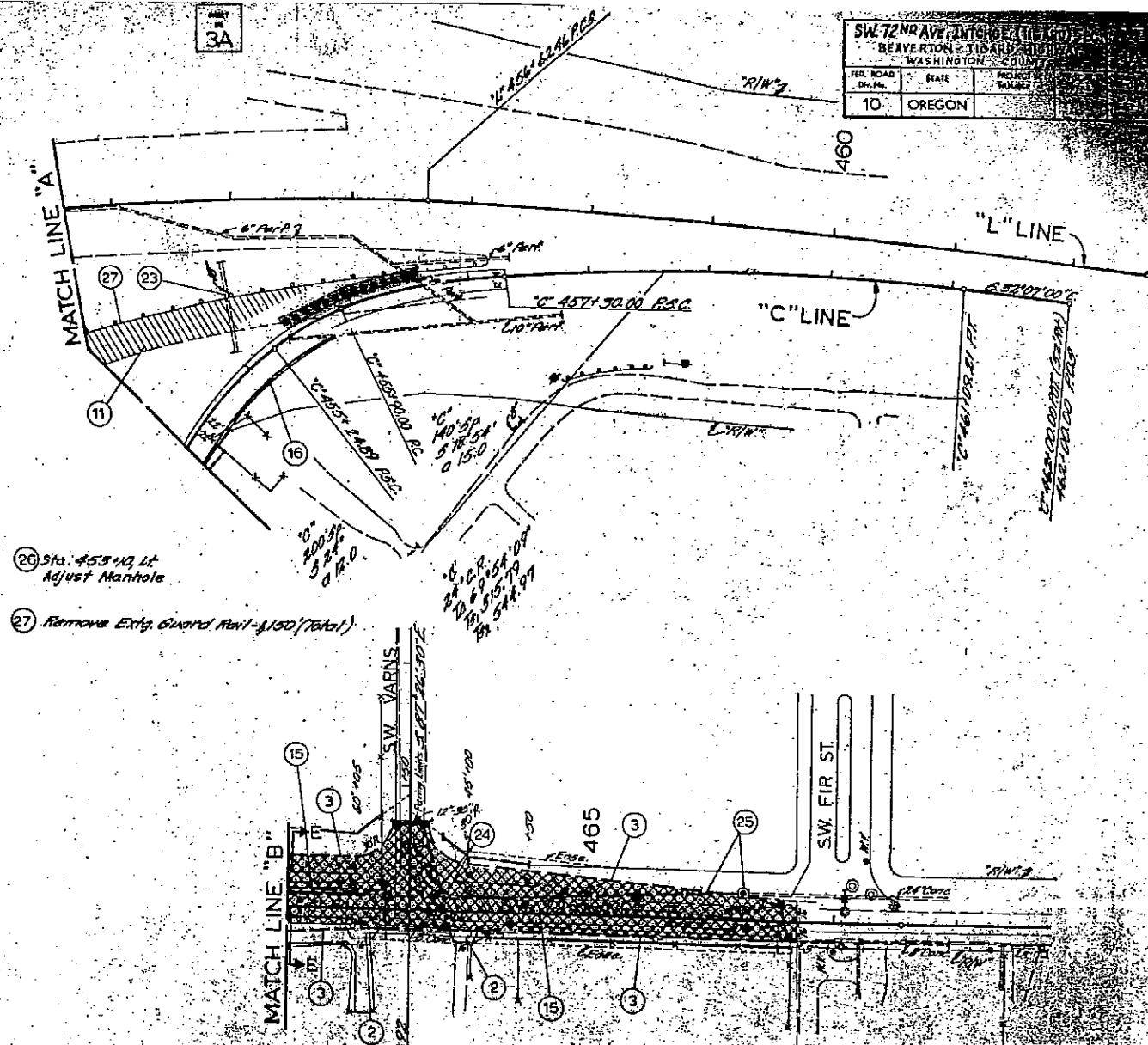
20) Sta. 462+20
Const. Manhole
Const. 8-1" Inlets -3 (Total)
Inst. 18" Sewer Pipe -200' (Total)
Under Pmt. -35' (Total)
Tr. Exc. 92 C.Y. (Total)

21) See Note No. 24, Sheet 34

22) Bridge No. 3565A
Length -230'
Roadway Width -35'
Modify Barriers & Handrail
(For Dry. No., See Sheet 1)

23) Sta. "C" 455+25 Lt.
Remove Exty. 18" Pipe
Tr. Exc. -14 C.Y.

24) Sta. 463+80, Lt.
Const. Manhole
Const. Type "G-1" Inlets -3 (Total)



CITY OF TIGARD, OREGON

RESOLUTION NO. 83-88

A RESOLUTION OF THE TIGARD CITY COUNCIL AUTHORIZING THE MAYOR AND CITY RECORDER TO SIGN AN AGREEMENT WITH OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR TRAFFIC SIGNAL MAINTENANCE AND OPERATIONS COSTS AT HIGHWAY 217 AND S.W. 72nd AVENUE INTERCHANGE.

WHEREAS, the Tigard City Council wishes to enter into an agreement with the Oregon Department of Transportation (ODOT) regarding the obligations of the State and the obligations of the City, and

WHEREAS, the City and State have deemed it necessary to install traffic signals at Hwy 217 and S.W. 72nd Avenue in order to maintain a safer and more expeditious flow of traffic.

NOW, THEREFORE,

BE IT RESOLVED BY THE TIGARD CITY COUNCIL THAT:

Section 1: The Council hereby authorizes the Mayor and City Recorder to sign, on behalf of the City, an agreement with the Oregon Department of Transportation identifying their respective obligations relative to the costs of maintenance and operation of said signals.

PASSED: This 22 day of August, 1983.

Wilbur A. Bishop
Mayor

ATTEST:

Donis Hartley
City Recorder

APPROVED TO FORM:

Steven K. Schmidt
City Attorney

RES. NO. 83-88

Approved: L. E. George
MCH:pf
8/2/83

Misc. Contracts & Agreements
No. 7512

SUPPLEMENTAL
MAINTENANCE-POWER AGREEMENT
TRAFFIC SIGNAL INSTALLATION

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; and the CITY OF TIGARD, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

- 1. The Beaverton-Tigard Highway, State Secondary Highway No. 144, is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission, and 72nd Avenue, Varns and Hampton Streets and Hunziker Road are part of the city street system under the jurisdiction and control of the City of Tigard.

2. State and City in their judgement have deemed it necessary and desirable, in order to maintain a safer and more expeditious flow of traffic, to install an inter-connected traffic control signal system and roadway lighting as a part of the 72nd Avenue Interchange Section of the Beaverton-Tigard Highway, hereinafter referred to as "project".

3. By the authority granted in ORS 366.770 and 366.775, the State may enter into cooperative agreements with the various counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

4. By the authority granted in ORS 387.850, State is authorized to determine the character or type of traffic control signals to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control signals shall be erected or maintained upon any state highway by any authority other than State, except with its written approval.

5. This agreement is intended to more clearly define the maintenance and power responsibilities which are stated in general terms in the State-

City Throughway Agreement of September 23, 1981 concerning construction and maintenance of the 72nd Avenue Interchange.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State shall conduct the necessary field surveys and traffic investigations, identify and obtain all permits, perform all preliminary engineering and design work required to produce plans, specifications and estimates, advertise for bid proposals, award all contracts, and furnish all construction engineering, material testing, technical inspection and project manager services for administration of the contract. The traffic signal installation may be accomplished by the use of state forces, by contract or by any combination of these methods, as the State may elect.

2. State shall, upon completion of the project, assume all responsibility for maintenance of the roadway illumination system and accept all responsibility for, and pay all costs of, electrical energy consumed in operation of the illumination system.

3. In order to assure the integrity of the inter-connected traffic system, the State shall perform all necessary maintenance for operation of the entire inter-connected system, and shall bear all costs of such maintenance for the traffic signal equipment at Hunziker Road, Varns Street and the North Bound Ramp Terminal. The actual cost of such maintenance for the traffic signals at S.W. Hampton Street shall be billed to the City. The State shall notify the City of any anticipated routine or emergency maintenance or repair costs in excess of \$5,000 per incident prior to performing such maintenance or repair.

4. State shall retain general jurisdiction and control of the timing established for all traffic signals within the inter-connected traffic signal system, except that the State shall confer with, and obtain concurrence of, the City for timing changes affecting the traffic signals on 72nd Avenue at S.W. Hampton Street.

CITY OBLIGATIONS

1. City shall, upon completion of the project, accept all responsibility for, and pay all costs of, electrical energy consumed in operation of the traffic signals on 72nd Avenue at Hunziker Road, Varns and Hampton Streets, and the North Bound Ramp Terminal.

2. City shall reimburse the State, as billed, for the actual cost of routine and emergency maintenance and repair of the traffic signal equipment installed on 72nd Avenue at Hampton Street.

3. City shall adopt a resolution authorizing its designated City Officials to enter into and execute this agreement on behalf of the City, and a copy of said resolution shall be attached hereto and become a part hereof.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. The City has acted in this matter in accord with Resolution No. 83-88, adopted by its City Council on the 22nd day of August, 1983.

This project was approved by the Oregon Transportation Commission on January 19, 1982 as a part of the Six Year Highway Improvement Program (page 54).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED

By /s/ _____
Region Engineer

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

By /s/ H. S. Coulter
State Highway Engineer

Date 9-27-83

CITY OF TIGARD, by and through
its City Officials

By /s/ _____
Mayor

By /s/ _____
City Recorder

AGENDA ITEM # _____
FOR AGENDA OF 5/10/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formal Graduation of Tigard's Community Emergency Response Team (CERT) Volunteer Program Class III

PREPARED BY: Mike Lueck DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Meeting the neighborhood volunteers who are the third graduating class of the City's Community Emergency Response Team (CERT) Program and provide some background information on where the program is now.

STAFF RECOMMENDATION

No action required; Informational only.

INFORMATION SUMMARY

The City of Tigard's "Partners Being Prepared" program, Community Emergency Response Team (CERT) is designed to help our neighborhoods be ready for unexpected disasters. If a disaster overwhelms or delays the community's emergency services, CERT team members can provide life saving assistance, such as disaster medical aid, search and rescue and fire suppression during the critical first minutes. With the technical assistance of local emergency services, Tualatin Valley Fire and Rescue (TVFR), Tigard has trained an additional twelve (12) individual volunteers from its community in basic response skills. The City's third class rotation was completed on March 26, 2005. Currently, through several advertisement avenues the City is promoting its fourth and fifth classes, contingent on being awarded the requested federal grant. The training and skills that these individuals received will help do the "greatest good for the greatest amount of people" in our community neighborhoods following a disaster until help arrives.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: The community will be trained and prepared for emergencies.

Strategy: Develop community-wide program to train citizens to be self-sufficient for the first 72-hours after an emergency event.

ATTACHMENT LIST

Sample copy of the "Achievement Certificate"

FISCAL NOTES

The City of Tigard's CERT program is 99% federally funded through a Department of Homeland Security (DHS) and Federal Emergency Management Administration (FEMA) Grant. The Grant is overseen by Oregon Department of State Police and Oregon Emergency Management (OEM) and managed by the City's CERT Coordinator. In FY 04 the City originally requested \$23,993.18 and was awarded \$4,509.00. The City has used the remainder of the FY '04 grant. The program has been awarded over \$10,000.00 in the last two years, all of which has been executed to date. The City is awaiting confirmation for additional Federal grant money to support this program through 2006.



*Certificate of Completion
This certificate signifies that*

SAMPLE

April Straus

Has attended and successfully completed the
Community Emergency Response Team Course

Conducted by
City of Tigard and Tualatin Valley Fire and Rescue
February 1 - March 26, 2005, 24 Hour Course - TPBP103



"PARTNERS BEING PREPARED"



G. Michael Lueck
Course Manager



Craig Dirksen
City Mayor

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Update on Youth Advisory Council and Tigard Turns the Tide (Youth Forum)

PREPARED BY: Liz Newton ML DEPT HEAD OK _____ CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

Progress report on the Youth Advisory Council (YAC) and Tigard Turns the Tide (formerly Youth Forum).

STAFF RECOMMENDATION

No action necessary, information only.

INFORMATION SUMMARY

The Youth Advisory Council met on May 4 to plan their presentation to Council. Member of the Youth Advisory Council members will report on the group's programs and activities.

In addition, staff will update Council on the activities of Tigard Turns the Tide, formerly the Youth Forum.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

There is no cost associated with this action.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Police Activity League (PAL) Presentation on Drug Resistance

PREPARED BY: Liz Newton UN DEPT HEAD OK _____ CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

A presentation by student participants in the PAL after-school program on drug and alcohol resistance.

STAFF RECOMMENDATION

No action necessary, information only.

INFORMATION SUMMARY

The Police Activities League (PAL) operates an after-school program at Fowler Middle School. The PAL program immediately follows the school sponsored programs and includes homework assistance, open gym and a robotics club. One of the requirements for PAL funding is for the students to do some drug resistance education. The Fowler students decided they wanted to do their presentation before City Council on a cable television night to maximize their potential audience. The students have prepared their own presentation with assistance from their advisor, Sean Belveal.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Schools, Education and Youth Goal #1, Strategy #3: "Partner with community resources to address student needs to ensure success."

ATTACHMENT LIST

N/A

FISCAL NOTES

There is no cost associated with this action.

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Meeting with Oregon Department of Transportation Region 1 Manager, Matthew Garrett

PREPARED BY: A.P. Duenas *AP Duenas cw* DEPT HEAD OK _____ *AP Duenas cw* CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Continuing dialogue with Matthew Garrett, ODOT (Oregon Department of Transportation) Region 1 Manager, to discuss various issues of importance to both the City of Tigard and ODOT.

STAFF RECOMMENDATION

Staff recommends that Council continue the dialogue with Mr. Garrett with the overall goal of developing a working partnership with ODOT to implement key projects aimed at improving traffic circulation on Highway 99W, Hall Boulevard, and on other arterials and collectors within the City.

INFORMATION SUMMARY

Council met with Matthew Garrett, ODOT Region 1 Manager, at the workshop meeting on March 16, 2004 and again at the November 9, 2004 business meeting. The meetings with the Region 1 Manager are part of an effort to establish a closer working relationship with ODOT staff, to share information of significance, and to help resolve issues that may need direction from top management in ODOT. Mr. Garrett agreed to maintain that dialogue by meeting with Council periodically (every six months or so) for discussion of current and potential issues.

Some of the issues of significance for discussion at this meeting are:

- The Highway 99W Corridor Improvement and Management study to be performed in FY 2005-06 is expected to provide a management plan and a package of projects for future implementation. Funding will be needed to design and construct these projects. The City will be looking to partner with ODOT in funding some of these improvements to alleviate congestion on Highway 99W. The discussion of ODOT participation in implementing these improvements needs to begin early in the process and must be continued as projects are identified and prioritized.
- The Greenburg Road Improvement Project from Shady Lane to Tiedeman Avenue will be designed in FY 2005-06 with the intention of completing the bid documents ready for bid in early 2008. This project is funded partially through the MTIP (Metropolitan Transportation Improvement Program) process combined with a large amount in local funding. ODOT requires that 110% of the construction funding for the project be deposited with ODOT prior to bid advertisement. Because the federal funds (MTIP funds) operate on a reimbursement basis, the City has to deposit sufficient funds to cover both the federal portion and the local match. This places a tremendous burden on cash flow and the City's ability to do other projects during the

construction period. The City wishes to explore alternative ways to certify that the funds would be made available (perhaps on a fiscal year basis through a line of credit) to alleviate the impact this requirement would have. Mr. Garrett may be able to help in developing a solution that can work for both ODOT and the City.

The commitment by Mr. Garrett to periodically meet with Council demonstrates his willingness to be proactive in discussing and resolving current and potential issues in a timely manner. This close coordination between ODOT and the City will continue to receive strong emphasis as the City develops improvement projects to alleviate congestion on highways and arterials (such as Highway 99W and Hall Boulevard) that are under ODOT jurisdiction but adversely impact intra-city circulation.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Major projects to improve state facilities in the City would meet the Tigard Beyond Tomorrow goal of *Improve Traffic Flow*.

ATTACHMENT LIST

None

FISCAL NOTES

No fiscal requirements at this time. Projects initiated and implemented would be funded through the City's Capital Improvement Program formulation process

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Meeting with Oregon Department of Transportation Region 1 Manager, Matthew Garrett

PREPARED BY: A.P. Duenas *AP Duenas cw* DEPT HEAD OK _____ *AP Duenas cw* CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

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STAFF RECOMMENDATION

Staff recommends that Council continue the dialogue with Mr. Garrett with the overall goal of developing a working partnership with ODOT to implement key projects aimed at improving traffic circulation on Highway 99W, Hall Boulevard, and on other arterials and collectors within the City.

INFORMATION SUMMARY

Council met with Matthew Garrett, ODOT Region 1 Manager, at the workshop meeting on March 16, 2004 and again at the November 9, 2004 business meeting. The meetings with the Region 1 Manager are part of an effort to establish a closer working relationship with ODOT staff, to share information of significance, and to help resolve issues that may need direction from top management in ODOT. Mr. Garrett agreed to maintain that dialogue by meeting with Council periodically (every six months or so) for discussion of current and potential issues.

Some of the issues of significance for discussion at this meeting are:

- The Highway 99W Corridor Improvement and Management study to be performed in FY 2005-06 is expected to provide a management plan and a package of projects for future implementation. Funding will be needed to design and construct these projects. The City will be looking to partner with ODOT in funding some of these improvements to alleviate congestion on Highway 99W. The discussion of ODOT participation in implementing these improvements needs to begin early in the process and must be continued as projects are identified and prioritized.
- The Greenburg Road Improvement Project from Shady Lane to Tiedeman Avenue will be designed in FY 2005-06 with the intention of completing the bid documents ready for bid in early 2008. This project is funded partially through the MTIP (Metropolitan Transportation Improvement Program) process combined with a large amount in local funding. ODOT requires that 110% of the construction funding for the project be deposited with ODOT prior to bid advertisement. Because the federal funds (MTIP funds) operate on a reimbursement basis, the City has to deposit sufficient funds to cover both the federal portion and the local match. This places a tremendous burden on cash flow and the City's ability to do other projects during the

construction period. The City wishes to explore alternative ways to certify that the funds would be made available (perhaps on a fiscal year basis through a line of credit) to alleviate the impact this requirement would have. Mr. Garrett may be able to help in developing a solution that can work for both ODOT and the City.

The commitment by Mr. Garrett to periodically meet with Council demonstrates his willingness to be proactive in discussing and resolving current and potential issues in a timely manner. This close coordination between ODOT and the City will continue to receive strong emphasis as the City develops improvement projects to alleviate congestion on highways and arterials (such as Highway 99W and Hall Boulevard) that are under ODOT jurisdiction but adversely impact intra-city circulation.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Major projects to improve state facilities in the City would meet the Tigard Beyond Tomorrow goal of *Improve Traffic Flow*.

ATTACHMENT LIST

None

FISCAL NOTES

No fiscal requirements at this time. Projects initiated and implemented would be funded through the City's Capital Improvement Program formulation process

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Reactivating the City Center Development Agency, an Urban Renewal Agency

PREPARED BY: Jim Hendryx DEPT HEAD OK [Signature] CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Should Council approve a resolution reactivating the City Center Development Agency, the City's urban renewal agency?

STAFF RECOMMENDATION

Staff recommends Council approve the resolution reactivating the City Center Development Agency.

INFORMATION SUMMARY

City Council goals for 2005 include revitalizing the Downtown. That particular goal calls for completing and implementing the Downtown Plan and urban renewal implementation. The TMC identifies the City Council as functioning as the Urban Renewal Agency (City Center Development Agency). The City Council, acting as the City Center Development Agency may designate another body to act as the Development Agency, and may do so at any time.

At its April 19, 2005 meeting, Council directed staff to proceed with re-activation of the City Center Development Agency. Initially, Council is identified as the Agency. Future discussions will occur on assigning this responsibility to another decision-making body.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life/Central Business District Goal #1, Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the central business district.

ATTACHMENT LIST

Attachment 1: Proposed resolution reactivating the City Center Development Agency, an Urban Renewal Agency

Attachment 2: Memo dated April 21, 2005, Governance – Urban Renewal

Attachment 3: Map of Oregon Urban Renewal Districts

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION REACTIVATING THE CITY CENTER DEVELOPMENT AGENCY, AN URBAN RENEWAL AGENCY

WHEREAS, after a Charter amendment terminating an earlier urban renewal agency of the City of Tigard, the Council adopted Ordinance 89-05 (codified at TMC Chapter 2.64) in 1989, activating the City Center Development Agency as the City's urban renewal agency; and

WHEREAS, under Ordinance 89-05, the City Council exercised the powers of the urban renewal agency; and

WHEREAS, the City Council, acting as the City Center Development Agency may designate another body to act as the Development Agency, and may do so at any time; and

WHEREAS, the City Council is committed to placing an Urban Renewal plan including tax increment financing on the May, 2006 ballot, at which time the Council will also incorporate the question of governance of the Urban Renewal Agency; and

WHEREAS, the City Center Development Agency's action in 1989 and the early 1990s did not lead to the adoption of an urban renewal plan; and

WHEREAS, the City Center Development Agency remained in existence after 1989 because the Agency was never terminated, but has not been actively pursuing development of urban renewal plans; and

WHEREAS, the conditions justifying the activation of the City Center Development Agency are still present within the City; and

WHEREAS, the City Council believes that it is time to consider development and adoption of an urban renewal plan to assist with development and redevelopment of Tigard's downtown and possibly other areas within the City; and

WHEREAS, the City Council chooses to have the City Council continue to act as the City's urban renewal agency,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Center Development Agency is reactivated and shall actively pursue development of an urban renewal plan for one or more areas within the City, as provided by ORS Chapter 457 and take other actions as authorized by ORS Chapter 457 and Ordinance 89-05.

SECTION 2: In pursuing the development of an urban renewal plan, the City Center Development Agency shall actively seek public input and shall consider the recommendations of the City Center Advisory Commission.

SECTION 3: The City Center Development Agency shall take all actions with due regard for the rights given to the voters of the City by Charter Sections 47 and 48.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard



MEMORANDUM

CITY OF TIGARD

TO: City Council

FROM: Jim Hendryx 

DATE: April 21, 2005

SUBJECT: Governance – Urban Renewal

As a follow up to the Council meeting on April 19, 2005, I want to provide additional information on governance. I realize that I did not provide timely information on the various options for Council's consideration.

Nearly fifty cities and counties in Oregon currently have or are considering active urban renewal agencies (see attached map). As council is aware, urban renewal agencies are separate legal bodies, but in most cases in Oregon, members of an urban renewal agency are also members of the governing body, e.g., City Council, Board of Commissioners, etc.

In 2002, the Association of Oregon Redevelopment Agencies (AORA) completed a study of urban renewal in Oregon. Some current examples of agencies with separate boards are the Portland Development Commission, Medford Urban Renewal, Hood River Urban Renewal, Newport Urban Renewal, and Rainier Economic Development Commission. Most utilize the governing body as the urban renewal agency. The AORA report indicates that the choice to make the governing body the urban renewal agency reflects the desire for direct accountability to the voters. By not delegating important and potentially controversial issues to another decision-making body, it places the responsibility directly on the elected body.

Having a separate urban renewal agency provides for less "partisan politics" and reduces short term political issues that often arise. The governing body is also freed of the responsibility of wearing another "hat" in addition to all the other responsibilities they carry. Composition of a separate urban renewal agency can bring greater expertise to the agency. Experts in finance, construction, architecture, etc., can help shape the efforts of the agency in carrying out its redevelopment goals.

As pointed out before, in Tigard, the City Center Development Agency is responsible for developing and administering the urban renewal plan. The City Center Advisory Commission is

responsible for assisting the agency in implementing the plan and informing Tigard citizens of the plan's content and activities. The relationship and roles of the Development Agency and Advisory Commission are important to establish sooner vs. later. Whether the commission functions as a technical body making recommendations to the Development Agency or as the public outreach arm of the agency needs to be a part of the overall consideration of governance.

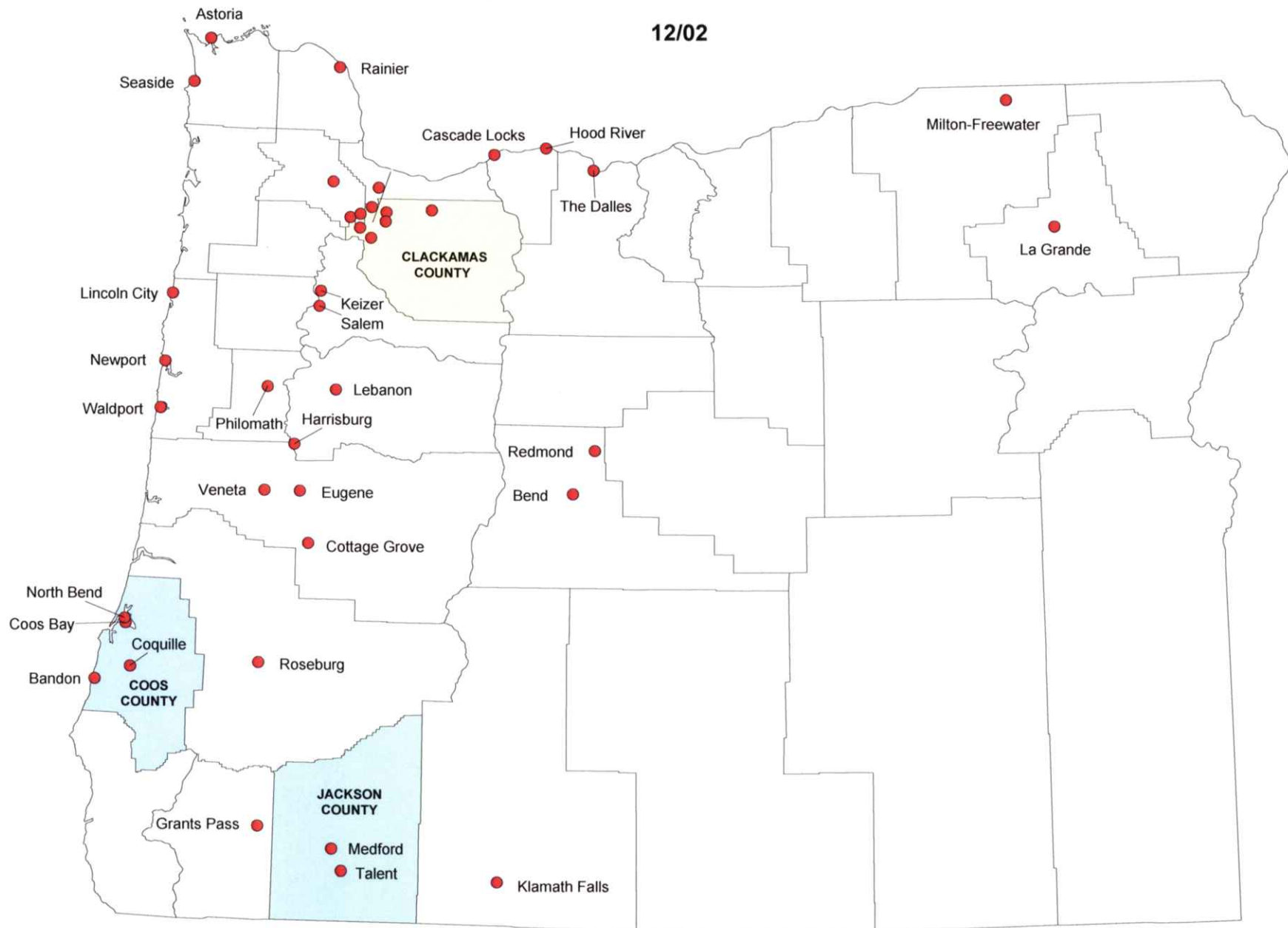
As confirmed by the City Attorney, the role of the Development Agency is to administer the Urban Renewal Plan. The Urban Renewal Plan is approved by the City Council. The plan identifies the responsibility and authority of the agency in carrying out the plan. The agency is only responsible for administration consistent with the plan. Council retains authority on major amendments to the Urban Renewal Plan. Voter approval would be required for an amendment to the plan that impacts the use of tax increment financing. An example where voter approval would be needed would be adding new projects to the plan. Council, as the governing body for the agency, has the sole responsibility to appoint another body to act as the agency. Council retains its authority over governance, regardless of who is acting as the agency.

Who makes up the board or a separate Urban Renewal Agency as noted above? Ultimately, as advised by the City Attorney, that is a decision for Council to make. Experts in finance, construction, architecture, etc., would be beneficial. Likewise, the issue of City residency is a Council decision.

Council's discussion at the April 19th workshop meeting indicated the interest of assigning the responsibility of administering the urban renewal agency to a separate body. This and related issues will be discussed as the City proceeds with its urban renewal effort.

Oregon Urban Renewal Districts

12/02



Colored Areas are
Counties with Urban
Renewal Agencies

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution of the Tigard City Council to Support and Actively Pursue Region-Wide Collaborative Efforts to Improve the Regional Land Use Planning System, Including the Transition of Urban Uses and Services in Unincorporated Areas, Including Annexation Before Development.

PREPARED BY: Jim Hendryx DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should Council adopt the attached resolution supporting collaboration with Washington County jurisdictions regarding proposed changes to Goal 14 (urbanization) and the Urban Growth Boundary administrative rules, and to support local control over the land-use process.

STAFF RECOMMENDATION

Approve the proposed resolution supporting collaboration with our Washington County neighbors regarding proposed changes to Goal 14 (urbanization) and the Urban Growth Boundary expansion administrative rules, and to support local control over the land-use process.

INFORMATION SUMMARY

At its February 22, 2005 meeting, Council reviewed and discussed a draft resolution that (1.) supported region-wide efforts to revise the Goal 14, Urbanization and Urban Growth Boundary, administrative rules, and (2.) supported efforts to build a region-wide consensus in support of limiting Metro's authority to adopt local land use controls. The Tigard resolution was modeled on a recently-adopted City of Tualatin resolution that advocated for limiting Metro's authority to expand the Urban Growth Boundary (UGB).

At the February meeting, Council spoke of approaching this issue from a broader and more Tigard-specific standpoint, as opposed to the narrower UGB expansion process referred to in the Tualatin Resolution. The discussion was continued at the March 15, 2005 meeting where the language in the resolution was refined.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management, Goal #1: Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide

ATTACHMENT LIST

- Attachment 1: Proposed resolution supporting collaboration with our Washington County neighbors regarding proposed changes to Goal 14 (urbanization) and the Urban Growth Boundary expansion administrative rules, and to support local control over the land-use process.
- Attachment 2: Excerpt from February 22, 2005 City Council Meeting
- Attachment 3: Tualatin Resolution No. 4301-04
- Attachment 4: E-mail from Steve Wheeler dated March 2, 2005
- Attachment 5: Information on draft Senate Bill 730

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON
RESOLUTION NO. 05-

A RESOLUTION OF THE TIGARD CITY COUNCIL TO SUPPORT AND ACTIVELY PURSUE REGION-WIDE COLLABORATIVE EFFORTS TO IMPROVE THE REGIONAL LAND USE PLANNING SYSTEM, INCLUDING THE TRANSITION OF URBAN USES AND SERVICES IN UNINCORPORATED AREAS, INCLUDING ANNEXATION BEFORE DEVELOPMENT.

WHEREAS, as an incorporated city in the state of Oregon, the City of Tigard is subject to state land-use planning laws and must have an adopted Comprehensive Plan that results from broad citizen involvement that meets mandatory state standards, which include 19 statewide planning goals; and

WHEREAS, as an incorporated city in the Portland metropolitan region, the City of Tigard also is located within the service territory of Metro, which has the primary responsibility for regional land-use and transportation planning; and

WHEREAS, in October 2004, the City of Tualatin passed Resolution 4301-04 which voices local concerns in defining Metro's role in balancing regional and local issues, including the Urban Growth Boundary (UGB) expansion; and

WHEREAS, the City of Tigard recognizes that while regional efforts have focused on establishing and amending the Urban Growth Boundary (UGB), critical aspects of implementation have been overlooked, including the process of converting urbanizable land to urban land, the timing of conversion, and the availability of public facilities, services and patterns; and

WHEREAS, the City of Tigard feels strongly that implementation must be addressed in a cohesive and comprehensive manner – including annexation – prior to development, or areas will continue to urbanize without adequate services, creating additional costs and administrative burdens to jurisdictions providing services and creating unincorporated urbanized areas which are in direct opposition to Goal 14; and

WHEREAS, the City of Tigard recognizes that there have been efforts to clarify Metro's authority under the Metro Charter based on the Oregon planning program principle which emphasizes citizen involvement and direction and local land use controls; any directive by Metro to address local plan and zoning content is inconsistent with state law and prevents the exercise of balanced legislative judgment by a local council.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard supports and will actively pursue region-wide collaborative efforts to improve the regional land use planning system, including the transition of urban uses and services in unincorporated areas, including annexation before development.

SECTION 2: To assure that the Tigard Comprehensive Plan reflects our community's sense of place, the City of Tigard supports region-wide efforts to return authority to cities to adopt local land-use controls.

SECTION 3: This resolution takes effect immediately.

PASSED: This _____ day of _____, 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

\\adm\packel\051050222\urb resolution.doc

Excerpt – February 22, 2005, City Council discussion:

7. DISCUSS A PROPOSED RESOLUTION TO SUPPORT COLLABORATION WITH WASHINGTON COUNTY JURISDICTIONS REGARDING PROPOSED CHANGES TO GOAL 14 (URBANIZATION) AND THE URBAN GROWTH BOUNDARY ADMINISTRATIVE RULES, AND TO SUPPORT LOCAL CONTROL OVER THE LAND-USE PROCESS

Interim City Manager Prosser advised that staff developed a draft resolution to attempt to address some of the issues discussed by Council previously.

Council discussion followed. Mayor Dirksen said that in reviewing the draft resolution he was not sure the issues were addressed. He noted concerns that the wording was not strong enough, but upon consideration he suggested that what might be needed is more than one resolution. The proposed resolution really addresses more the issue of collaborating with Tualatin and other cities. The City might want to consider the proposed resolution or a modification of the resolution at this time and then consider further steps to take in the future which addresses more directly the concerns by the City of Tigard.

Councilor Sherwood asked if Senate Bill 730 would address some of the concerns. Mayor Dirksen said the Senate Bill would address issues at a state level, but he didn't think it would conflict with the proposed action before the City Council. Councilor Sherwood suggested the Council consider a resolution supporting Senate Bill 730. Mayor Dirksen thought this might be something to consider in the future.

Councilor Wilson said he would be uncomfortable considering any resolution at this time. He noted this was the first opportunity for the Council to discuss Metro at all, other than the discussion at the previous goal-setting session. He said, "We're not happy. I'd rather discuss things at a policy level...what are our problems. While I appreciate our relationship with Tualatin...I think that our issues are slightly different and I'm not sure that they frame the problem entirely as it should be...I would rather just throw it out for discussion...about what our issues are."

Mayor Dirksen noted that Tualatin has requested another meeting between their Mayor and other cities to continue this discussion. He said that, "Perhaps, through that process we could further clarify what Tualatin would ask of us..." and then the Tigard Council could consider a resolution in support. Then, the Mayor suggested, in a separate discussion, the Council could discuss the issues pertinent to the City of Tigard. The Mayor said that one of the questions the City of Tualatin is asking is, "Are cities interested in continuing this discussion?"

Councilor Sherwood noted one of the biggest issues for Tigard is density. She said she thought the Mayor should continue with the discussion with Tualatin. She questioned whether a resolution would be the appropriate way to show support for Tualatin.

Interim City Manager Prosser said staff had understood there might be a timing issue; however, he was hearing from Council that more discussion is needed. He suggested looking at future tentative agendas to schedule a longer discussion at a workshop meeting to discuss and identify policy issues. After that, staff could redraft the resolution for Council consideration. Council agreed with Mr. Prosser to schedule this item for more discussion.

Mayor Dirksen will continue to go to the Tualatin meetings. He asked Councilor Harding if she would be available to attend some of the Tualatin meetings, which are usually held during business hours. She confirmed that she would be available.

Mayor Dirksen said that one of the outcomes the City of Tigard is looking for is for more flexibility when it comes to redrafting the Comprehensive Plan. Councilor Wilson said, "I think we need more than a change of heart at Metro. We need a Charter change or a new state law...because personalities have come and gone...it's structural. It seems almost really unlikely that much is going to change by the time we get our Comp Plan done...I'm a little uncomfortable in waiting two months to even discuss in broad terms our frustrations."

Mr. Prosser reviewed the tentative agenda with the Council and with some rearrangement of agenda items; this topic was scheduled for further discussion at the March 15, 2005, workshop meeting.

RESOLUTION NO. 4301-04

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON DESCRIBING PROPOSED CHANGES TO THE URBAN GROWTH
BOUNDARY EXPANSION PROCESS

WHEREAS Tualatin is a city in the territory of the Metropolitan Services District (known as "Metro"); and

WHEREAS cities in the Metro region have their urban boundaries established by Metro; and

WHEREAS the Metro Policy Advisory Committee (MPAC) is a Metro committee charged with providing a voice and input for Metro cities on Urban Growth Boundary (UGB) expansion issues; and

WHEREAS there has been mounting frustration and concern in Tualatin in particular, and many cities in general that the UGB expansion process does not balance local needs and concerns with regional issues, and that soil classification predominates in Metro led UGB expansion decisions; and

WHEREAS the City of Tualatin proposes the following seven principles of legislative change be adopted and incorporated in appropriate sections of Oregon Revised Statutes, Oregon Administrative Rules and Metro drafted rules and guidelines concerning UGB expansion.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. Additions to the Urban Growth Boundary should not be determined solely by soils classifications, with exception lands always being the first to be considered for addition. Metro should be allowed to consider other factors, such as preexisting development in the area, the wishes of the adjacent cities that would have to serve the area, and other appropriate local concerns.

Section 2. The frequency for reviewing whether the land supply is sufficient for development purposes should be changed from 5 years to no more often than every 7-10 years.

Section 3. The Legislature should enact or amend a statute to make it clear that Metro cannot add land to the Urban Growth Boundary of a city without the city agreeing to that addition.

Section 4. The Legislature should enact or amend a statute clarifying that cities retain their zoning authority, separate from a UGB expansion. Metro cannot add land to a city's Urban Growth Boundary and specify the zoning type that the City would have to impose on that land.

Section 5. The Metro Council election and representation process should be changed from districts to at-large to ensure a broader-based representation process.

Section 6. The Legislature should enact or amend a statute to require lands added to the Urban Growth Boundary by Metro concurrently identify a viable transportation system to support the added land and the existing city transportation system in coordination with a city.

Section 7. The Legislature should enact or amend a statute to require lands added to an Urban Growth Boundary by Metro concurrently have allocated funding for transportation infrastructure development in the added land and the existing city transportation system.

INTRODUCED AND ADOPTED this 25th day of October, 2004.

CITY OF TUALATIN, OREGON

By 

Mayor

ATTEST:

By 

City Recorder

Attachment 4

From: "Steve Wheeler" <SWHEELER@ci.tualatin.or.us>
To: <aloble@ci.wilsonville.or.us>, <sfarley@ci.westlinn.or.us>, <craig@ci.tigard.or.us>, <schultzr@sherwood.or.us>, <dschmitz@ci.oswego.or.us>, <davel@ci.hillsboro.or.us>, <time@ci.hillsboro.or.us>
Date: 3/2/2005 5:16:25 PM
Subject: Proposed UGB legislation

To All - A couple months ago a group of Mayors met in Tualatin to discuss proposed changes to the UGB expansion process. I understand some are continuing to review and consider the City of Tualatin Resolution on that subject (No. 4301-04). Please share this e-mail with your Mayor or any relevant legislative committee.

We understand this is ahead of feedback on 4301-04, but we need to move now due to legislative filing deadlines in Salem. Senator Devlin has agreed to carry this draft legislation, most likely attaching it to an existing bill. Please forward comments, reactions and suggested changes to Mayor Ogden (lou.ogden@juno.com), as soon as possible. We plan to have this in Senator Devlin's office this Friday.

We remain interested in all constructive feedback on Resolution 4301-04 as well.

Thanks in advance for your thoughts and advice.

Steve Wheeler, City Manager

<<UGBmetroLegisDraft.doc>>

CC: <lou.ogden@juno.com>, "Maureen Smith" <MSMITH@ci.tualatin.or.us>, "Brenda Braden" <BBRADEN@ci.tualatin.or.us>, "Doug Rux" <DRUX@ci.tualatin.or.us>

A BILL FOR AN ACT

Relating to modifying standards for expansion of urban growth boundary; adding a new section to ORS chapter 197; and repealing ORS 197.298.

Be It Enacted by the People of the State of Oregon:

Section 1. A new section is added to and made a part of ORS chapter 197.

- (1)** Notwithstanding any other provision of state law or regulation, no metropolitan services district with authority to expand an urban growth boundary may add land to the urban growth boundary without the consent of the city that will likely provide governance to that addition nor may it impose specific zoning or general zoning types on specific parcels or areas added without the governing body of that city giving its written consent.
- (2)** Before a metropolitan services district may add land to the urban growth boundary, it shall concurrently identify a viable transportation system to support the added land and the existing city transportation system in coordination with the city that will likely be the service provider to that added land.
- (3)** In determining which lands shall be added to the urban growth boundary, a local government or metropolitan services district shall not make its determination on a single factor but shall consider all of the following:
 - (a)** The need to accommodate long-range urban population growth;
 - (b)** The need to accommodate housing needs in accordance with ORS 197.296;
 - (c)** The need for employment opportunities;
 - (d)** The availability of economically-feasible provision of public facilities and services;
 - (e)** The impact on environmental, economic and social concerns;
 - (f)** The compatibility of urban uses with nearby forest or farm land; and
 - (g)** The need to retain agricultural land and forestland in that area.

Section 2. ORS 197.298 is repealed.

Reasons to Support SB 730

The Oregon Land Use Board of Appeals (LUBA) recently ruled that a metropolitan district has broad authority under ORS Chap. 268 to prepare, as well as compel the adoption of land use zoning ordinances by cities and counties within the district. This ruling upheld adoption by the Portland Metropolitan Service District ("Metro") of a Title 4 Ordinance which requires certain cities and counties to adopt and enforce detailed restrictions on mixed uses on industrial lands (relating to building size and floor area, street access, lot sizes and divisions, business type, etc.,) even if those restrictions conflict with their comprehensive plans and zoning ordinances. District ordinances like Title 4 usurp the traditional and longstanding city and county zoning authority and "home rule".

SB 730 clarifies that a district's current authority, under ORS Chap. 268, permits it to adopt generalized policies to guide the contents of comprehensive plans and to review and recommend changes to these plans to ensure they comply with the regional functional plans, but does not permit districts to write comprehensive plans or land use regulations for cities and counties or compel them to adopt such particular plans or regulations.

SB 730 makes metropolitan districts statutes consistent with its Charter

Metro's Charter does not allow it to adopt comprehensive plans or prescribe the content of local zoning laws. SB 730 realigns ORS 268.390 with that original intent.

SB 730 maintains the traditional home rule authority of cities and counties.

Under Oregon's land use planning statutes and city and county enabling statutes, the authority to enact comprehensive plans and land use zoning regulations has been delegated exclusively to cities and counties – a system that has worked for decades. SB 730 provides a clarification that this delegation was not intended to be repealed when ORS Chap. 268 was adopted and later amended.

SB 730 does not take away a metropolitan district's authority over the compliance and enforcement of local zoning laws with state policy.

As important as what SB 730 does, is what it does not do. SB 730 does not take away district's authority to review comprehensive plans and implementing land use regulations to assure compliance with state land use policies and regional functional plans.

SB 730 provides needed certainty for economic development

For Hillsboro and other cities and counties that have been successful in recruiting, keeping and nurturing industries and businesses, SB 730 will remove the prospects of businesses having to serve two "zoning masters"; a district and a city or county as a result of the LUBA ruling. If a district's authority extends to directing specific zoning ordinances, the land uses certainty associated city or county zoning ordinances since their inception in Oregon will be lost. This added layer of bureaucracy and land regulation authority will be a deterrent to economic development and business investment in cities and counties that would be subject to such a dual zoning regime.

For more information, contact:

LC 2625

2/14/05 (BHC/ps)

DRAFT

(SB 730)

SUMMARY

Modifies standards for metropolitan service district review of comprehensive plans and land use regulations of cities and counties within district to determine whether comprehensive plans and land use regulations comply with regional framework plan and functional plans.

A BILL FOR AN ACT

1
2 Relating to land use planning in metropolitan service district; amending
3 268.390.

4 Be It Enacted by the People of the State of Oregon:

5 SECTION 1. ORS 268.390 is amended to read:

6 268.390. (1) A district may define and apply a planning procedure *[which]*
7 *that* identifies and designates areas and activities having significant impact
8 upon the orderly and responsible development of the metropolitan area, in-
9 cluding, but not limited to, impact on:

10 (a) Air quality;

11 (b) Water quality; and

12 (c) Transportation.

13 (2) A district may prepare and adopt functional plans for those areas
14 designated under subsection (1) of this section to control metropolitan area
15 impact on air and water quality, transportation and other aspects of metro-
16 politan area development the district may identify.

17 (3) A district shall adopt an urban growth boundary for the district in
18 compliance with applicable statewide land use planning goals adopted un-
19 der ORS chapters 195, 196 and 197.

20 (4) A district may:

21 (a) Review the comprehensive plans *[in effect on January 1, 1979, or sub-*
22 *sequently]* adopted by the cities and counties within the district *[which]* that

LC 2625 2/14/05

1 framework plan. The obligation to apply the regional framework plan to land
2 use decisions shall not begin until one year after the regional framework
3 plan is acknowledged as complying with the statewide land use planning
4 goals adopted under ORS chapters 195, 196 and 197.

5 (d) Require changes in local land use standards and procedures if the
6 district determines that changes are necessary to remedy a pattern or prac-
7 tice of decision-making inconsistent with the regional framework plan.

8 [(6)] (7) The regional framework plan, ordinances that implement the re-
9 gional framework plan and any determination by the district of consistency
10 with the regional framework plan are subject to review under ORS 197.274.

11 (8) If a change in the local land use standards or procedures of a
12 city or county that are required under subsection (6)(d) of this section
13 cause the Land Conservation and Development Commission to find
14 that the comprehensive plan and land use regulations of the city or
15 county do not comply with statewide land use planning goals or with
16 rules adopted by the commission, the commission shall excuse the city
17 or county from compliance with the changes in land use standards or
18 procedures required by the district.

19

LC 2625 2/14/05

1 affect areas designated by the district under subsection (1) of this section
2 or the urban growth boundary adopted under subsection (3) of this section
3 and recommend or require cities and counties, as it considers necessary, to
4 make changes in *[any plan to assure]* a comprehensive plan to ensure that
5 the comprehensive plan and any actions taken under *[it]* the comprehen-
6 sive plan conform to the district's functional plans adopted under subsection
7 (2) of this section and its urban growth boundary adopted under subsection
8 (3) of this section.

9 (b) Review and recommend changes to land use regulations of a city
10 or county within the district to ensure that the land use regulations
11 implement comprehensive plan provisions related to a functional plan.

12 (5) Except as provided in ORS 268.330 (1) and consistent with ORS
13 chapter 197, a district may not:

14 (a) Prepare or adopt a comprehensive plan or a land use regulation.

15 (b) Adopt, enforce or require a city or county within the district to
16 adopt or enforce a comprehensive plan provision or a land use regu-
17 lation that prescribes or limits the zoning of specific land within a city
18 or county.

19 (c) Compel adoption by a city or county within the district of the
20 specific text of a land use regulation.

21 *[(5)]* (6) Pursuant to a regional framework plan, a district may adopt im-
22 plementing ordinances that:

23 (a) Require local comprehensive plans *[and implementing regulations]* to
24 comply with the regional framework plan within two years after compliance
25 acknowledgment.

26 (b) Require adjudication and determination by the district of the consist-
27 ency of local comprehensive plans and land use regulations with the re-
28 gional framework plan.

29 (c) Require each city and county within the *[jurisdiction of]* the district
30 and making land use decisions concerning lands within the land use juris-
31 diction of the district to make those decisions consistent with the regional

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Hearing: A Resolution Approving of the Issuance of Tax-Exempt Variable Rate Demand Revenue Bonds, Series 2005A (George Fox University Project), by Yamhill County, Oregon for and on behalf of George Fox University in an Amount Not Exceeding \$28,400,000

PREPARED BY: Tom Imdieke J DEPT HEAD OK J CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Should the City Council approve the request of George Fox University that Yamhill County issue \$28,400,000 in tax-exempt variable rate demand revenue bonds for the purpose of refinancing, among other things, the prior acquisition and improvement of real property located in the City of Tigard?

STAFF RECOMMENDATION

Because the issuance of the bonds will not constitute a debt of the City and the bonds will be repaid solely by revenues and resources of George Fox University, staff recommends approval of the resolution approving the issuance of the bonds.

INFORMATION SUMMARY

City staff was approached by representatives of George Fox University requesting that the City Council approve a resolution so that Yamhill County can issue \$28.4 million in tax-exempt revenue bonds on behalf of the University. The tax code requires that all governmental units approve the issuance of the bonds where any portions of the projects being financed by the bonds are located. The purpose of the bond issuance is to refinance, among other projects, the prior acquisition and improvements made to the George Fox University campus located in the City of Tigard. The issuance of the bonds will not be a debt of the City and will be repaid from revenues of the University. No portion of the debt would be paid from a tax levied upon any property within the City of Tigard. This action is strictly meeting a requirement that the University and Yamhill County have under the tax code. The Board of County Commissioners of Yamhill County will be holding a public hearing and approving the issuance of the bonds on May 18, 2005.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution approving the issuance of the bonds.

FISCAL NOTES

No fiscal impact to the City of Tigard.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION APPROVING OF THE ISSUANCE OF TAX-EXEMPT VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2005A (GEORGE FOX UNIVERSITY) IN AN AMOUNT NOT EXCEEDING \$28,400,000

WHEREAS, Yamhill County, Oregon (the "County") has received a request from George Fox University, a private, nonprofit corporation organized and existing under the laws of the State of Oregon (the "University") to issue Tax-Exempt Variable Rate Demand Revenue Bonds, Series 2005A (George Fox University Project) (the "2005 Bonds") in an aggregate principal amount not to exceed \$28,400,000 for the purpose, among other things, of refinancing the prior acquisition and improvement of real property located in the City of Tigard, Oregon; and

WHEREAS, the principal of and interest on the 2005 Bonds will not constitute a debt of the City of Tigard nor shall the 2005 Bonds be payable from a tax of any nature levied upon any property within the City of Tigard nor any other political subdivision of the State of Oregon. The 2005 Bonds will be payable only from the revenues and resources provided by the University; and

WHEREAS, the Internal Revenue Code of 1986 (the "Code") authorizes the issuance of revenue bonds for a "qualified 501(c)(3) entity," such as the University; and

WHEREAS, Section 147(f) of the Code requires that qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit issuing such bonds (Yamhill County, Oregon); such approval will be obtained by the Board of County Commissioners of Yamhill County, Oregon, and (2) the governmental unit (the City Council of the City of Tigard) having jurisdiction over the area in which a portion of the project is located (George Fox University's campus in Tigard); and

WHEREAS, on May 18, 2005 the Board of County Commissioners of Yamhill County, Oregon will hold a public hearing and consider an Order approving of the issuance of the 2005 Bonds for and on behalf of the University.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: As the applicable elected representatives of the governmental unit having jurisdiction over the area in which a portion of the project is located (George Fox University's campus in Tigard), and having held the public hearing, the City Council approves of the issuance of the Bonds by Yamhill County, Oregon.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard



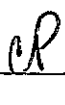
ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF May 10, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Report to Council on Street Maintenance Fee as Required by TMC 15.20

PREPARED BY: Tom Imdieke  DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Report to the City Council on the Street Maintenance Fee as required by TMC 15.20 and whether an adjustment to the fee is necessary.

STAFF RECOMMENDATION

No adjustment is recommended at this time. The fee will be reviewed after three years and the rates would then be re-established based on the annual average cost of an updated 5-year street maintenance program.

INFORMATION SUMMARY

As prescribed by Tigard Municipal Code (TMC) 5.20.050 (4), the "Finance Director shall review the revenue received from the street maintenance fee after the first full year following implementation. If the revenues are not meeting the annual funding level set from the 5-year maintenance plan, the Finance Director, in coordination with the City Engineer, may recommend a fee increase sufficient to meet that funding level. Council may, at its discretion, increase the fees through resolution based on the Finance Director's recommendation." Please see the attached memorandum reporting the status of the fee and recommendation from the Interim Finance Director and the City Engineer.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

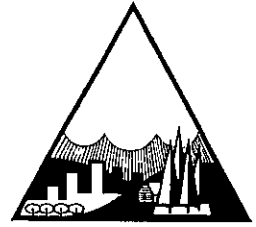
ATTACHMENT LIST

Memorandum from Tom Imdieke


FISCAL NOTES

\$800,000 estimated revenue from Street Maintenance Fee

MEMORANDUM



TO: Mayor and Council Members

FROM: Tom Imdieke, Interim Finance Director 

RE: Report on Status on Street Maintenance Fee

DATE: April 19, 2005

As prescribed by Tigard Municipal Code (TMC) 5.20.050 (4), the "Finance Director shall review the revenue received from the street maintenance fee after the first full year following implementation. If the revenues are not meeting the annual funding level set from the 5-year maintenance plan, the Finance Director, in coordination with the City Engineer, may recommend a fee increase sufficient to meet that funding level. Council may, at its discretion, increase the fees through resolution based on the Finance Director's recommendation." This memorandum is intended to satisfy the first year reporting requirement established by the code.

The Utility Billing group began billing for the street maintenance fee at the beginning of April 2004. For the period, April 1, 2004 through March 31, 2005, the City has collected \$764,434 in revenue from this source. This is \$35,566 short of the targeted annual revenue of \$800,000 established under the program. But because of the actual timing of the utility billing cycle, the first bill with the street maintenance fee on it was not mailed out until April 19. So actual receipts for the first full year are slightly understated because of the billing cycle dates.

The street maintenance fee was established based on the average annual cost for the City's 5-year street maintenance and reconstruction plan as outlined in the Capital Improvement Program (CIP).

The monthly rates currently are at \$2.18 per unit for residential (both single family and multifamily units), and \$0.78 per parking space or fueling position for commercial properties with a 5-space minimum and a 200-space maximum.

The code restricts the use of the revenue collected to the maintenance of City streets, including the design, construction management, overhead, and other related costs associated with the implementation of the street maintenance program.

Given that the annual revenue target is close to being met and the 5-year maintenance and reconstruction capital program has not substantially changed since the creation of the fee, both the City Engineer and I are not recommending any adjustments to the fee at this time. As required by the code, however, the program and fee will be reviewed

after three years and the rates would then be re-established based on the annual average cost of an updated 5-year plan.

COUNCIL PACKET MATERIALS
FOR THE FOLLOWING AGENDA ITEM
WILL BE FORWARDED TO THE
CITY COUNCIL IN THE
FRIDAY, MAY 6, 2005, COUNCIL NEWSLETTER

16. STUDY SESSION

- > REVIEW OF GRAPHIC IDENTITY PROPOSALS